UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.8
19 February 1993

ENGLISH
Original: SPANISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

COSTA RICA

[29 October 1992]

CONTENTS

I. BACKGROUND 3

II. GENERAL MEASURES ADOPTED 4
A. Measures to harmonize policies with the provisions of the Convention 5
B. Measures to harmonize legislation with the provisions of the Convention 7
C. Existing or planned mechanisms at national, regional or local level for publicizing and monitoring the rights of the child 8

III. DEFINITION OF THE CHILD 11

IV. GENERAL PRINCIPLES 14
A. Principal legislative, judicial and administrative measures in force or foreseen 14
B. Institutional difficulties and limitations 18
C. Priorities for implementing the said articles 19

GE.93-15656(EXT)

V. CIVIL RIGHTS AND FREEDOMS. 19
A. Principal legislative, judicial and administrative measures in force or foreseen 20
B. Institutional difficulties and limitations 23
C. Priorities for implementing the said articles 23

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE 24
A. Principal legislative, judicial and administrative measures in force or foreseen 24
B. Institutional difficulties and limitations 30
C. Priorities for implementing the said articles 31

VII. BASIC HEALTH AND WELFARE 32
A. Principal legislative, judicial and administrative measures in force or foreseen 32
B. Institutional difficulties or limitations 40
C. Priorities for implementing the said articles 41

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES 42
A. Principal legislative, judicial and administrative measures in force or foreseen 43
B. Institutional difficulties and limitations 47
C. Priorities for implementing the said articles 48

IX. SPECIAL PROTECTION MEASURES 50
A. Principal legislative, judicial and administrative measures in force or foreseen 50
B. Institutional difficulties or limitations 61
C. Priorities for implementing the said articles 62

X. FINAL NOTE 63

ANNEXES 64

I. BACKGROUND

1. For many years, Costa Rica has characteristically been a country in which the various Governments have attached great importance to the development and execution of relevant social policies. Through these policies, the country has achieved some very gratifying results in most of the social indicators, such as the reduction in child mortality, the improvement in the living conditions of the population through the development of preventive and curative health programmes and the extension of the cover of the education system in the first cycles and its provision of higher options.

2. However, at the beginning of the 1980s, described as a "lost decade" on account of its unfavourable effects in development terms for most of the third-world countries, the structural problems of Costa Rican society and the Costa Rican economy revealed the exhaustion of the form of development that had hitherto been followed.

3. External and internal imbalances forced the adoption of economic stabilization programmes which established restrictions on maintaining levels of public expenditure in the social sectors. Social expenditure fell in real terms and as a proportion of total expenditure. The challenge is thus to devise a pattern of development with equity and social justice and establish a balance between economic progress and social development, a challenge which has been taken up by the present Calderón Fournier administration (1990-1994).

4. In social matters, the measures adopted because of the 1980s crisis of principles have had serious consequences such as: (a) a widening of the social gaps and the regional imbalances; (b) changes in the organization of the family, particularly among the weaker groups, due to the need for more family members to have recourse to the labour market; (c) a reduction in State investment in major social programmes, and (d) the difficulty of adapting State institutions to meet the new demands and needs of the poorest groups.

5. This has caused the Government to devise a social policy centred primarily on looking after the most deprived groups, attempting to make improvements in the most important social programmes such as education, health and labour and facing up to the following priority challenges in social matters:

(a) Reviewing the existing social programmes so as to direct resources towards the groups deserving priority attention;

(b) Defining short-, medium- and long-term policies that are in keeping with present social and economic realities and with the new development strategy;

(c) Defining integral family-centred programmes to overcome gradually the causes of the problems and to improve general living conditions; and

(d) Promoting projects to stimulate small-scale production units, cooperatives and all other forms of association for productive purposes.

6. It has likewise been decided that the country's efforts and resources should be directed towards looking after handicapped or undernourished children, working and institutionalized minors, children under six years old of working parents, battered and abandoned children and adolescent and working mothers, particularly those in the informal sector of the economy.

7. At the level of the Central American region, the President of Costa Rica reaffirmed, at the Presidential Summit Meetings in El Salvador, Honduras and - most recently - Nicaragua, the political will to support all kinds of social initiatives likely to improve the quality and level of life of children. A clear demonstration of this was the agreement to establish the Regional Social Affairs Commission (CRAS), consisting of the First Ladies and of ministerial-level representatives of the Presidents, and the Central American Human Development Commission (CCDH), together with the measures to encourage the cooperation organizations and agencies to assist the countries in pursuing the social aims which each of them has set itself.

8. In this context, two years after the historical landmark when mankind committed itself to directing its best efforts towards the protection and realization of the rights of the child, we can affirm that, at both the national and regional levels, the country has reiterated its determination, through its various governmental and civil institutions, to make a reality of what a 12-year-old girl in a small village said: " We children have the right to live, to love and to be loved; we must have friends and the adults must show their affection for us by respecting us."

II. GENERAL MEASURES ADOPTED

9. In analysing the Convention on the Rights of the Child and endeavouring to render its contents operative, so that the degree of application, the limitations and the achievements during these two years since its ratification by the country can be followed up, we have deemed it advisable to establish four major areas, making the separation solely for analytical purposes and not because there is any functional division between them:

(a) Aspects directly connected with the tasks of the legislature, such as the revision of legal texts and their adaptation to the new national demands and commitments and the approval of new laws corresponding to present-day needs which had not previously been foreseen. This work is carried out through three committees, the Social Affairs Committee (new laws), the Legal Affairs Committee (revision and adaptation of legal texts) and the Committee on Ways and Means, as regards the provision of ordinary and extraordinary budget allocations;

(b) Aspects within the province of the executive, such as the execution through the various public-sector bodies of programmes and projects, their adaptation and identification, the launching of new programmes, projects or activities in harmony with the new demands arising from the social dynamics as a result of a new pattern of development. These are coordinated by means of the Social Council and the sectorial bodies with the support of the Technical Commission and institutional, intersectorial and regional working parties;

(c) Aspects belonging to the judiciary in respect of its responsibility for supervising and applying existing legislation as well as identifying and starting up new preventive and treatment procedures, accompanied by the training of legal officials within a more humanist approach so as to look after the population in its charge. This work, in the specific case which concerns us here, is carried out through the crime prevention units and the juvenile courts and, in particular, with the participation of the Office for the Defence of Children; and

(d) Last, but not least, is the area of participation of organized civil society, as regards the supply of certain services under a social solidarity scheme, within a wide range of activities in the execution of which it achieves higher levels of efficiency and effectiveness than the public sector, for reasons already known to all. This is carried out through foundations, associations, communal committees and chambers of commerce of very diverse kinds.

10. In other words, the legislature provides the general legal framework for the implementation of the rights of the child, the executive carries out programmes and projects which make it possible to achieve those rights, the judiciary must supervise and promote the performance of the existing legislation which guarantees to the child the enjoyment of his rights, while civil society must assist in the achievement and performance by means of the direct-care services it renders to the groups concerned.

11. Costa Rica is thus aware that the implementation of the rights of the child is not solely a matter for one or other branch of the State but requires the integrated and coherent participation of the entire national society in which every official and every citizen has a special responsibility to fulfil which should spring from individual conviction rather than from the imposition of an obligation by a given Government or international organization.

A. Measures to harmonize policies with the provisions of the Convention

12. Even though, from the beginning of the present administration, the institutions had already been concerned to analyse new alternative ways of caring for children, in a context of restricted resources and the occurrence of new problems, it is only since the World Summit for Children (September 1990) and the Reaffirmation of Puntarenas (November 1990) that a serious and detailed process of reviewing the main social programmes for Costa Rican children has really begun.

13. This was achieved by setting up the Government Technical Commission, presided over by the First Lady of the Republic, the purpose of which was to prepare the National Plan of Action for the Human Development of Children and Young People, which was structured around the three central ideas contained in the Plan of Action adopted at the World Summit for Children, namely, survival, protection and development. This Commission is made up of representatives of the main institutions that carry out programmes in these areas who, in their turn, become multiplying elements by sponsoring in each of the institutions represented working committees on specific themes or components.

14. The area of survival includes all those aspects concerned with health, maintenance and nutrition, access to medical care, achievement of a fair standard of living, promotion of integral health during gestation and the first years of life, child survival and encouraging the participation of mothers, fathers and the national community in the undertaking to guarantee to all the full enjoyment of their rights.

15. The area of protection covers activities designed to guarantee the rights of the mother and child as well as access to security and to social welfare programmes and to eradicate exploitation, ill-treatment and abandonment or arbitrary separation from the family. It also includes action connected with children that require special protection: poverty-stricken

children, handicapped children, children at social risk and children belonging to minority groups.

16. Lastly, the area of development includes activities connected with access to education, recreation, rest and leisure, freedom to associate with others and to participate actively in one's own development, in the improvement of the community and in the building of a more just and caring society, together with aspects related to work, access to decent housing, food security and the preservation of the environment and natural resources.

17. This National Plan of Action was submitted to and approved by the Social Council at the end of November 1991 and was ratified at the Summit Meeting of Central American Presidents held at Tegucigalpa, Honduras, in December 1991.

18. The follow-up to the National Plan of Action will take place in the light of the attainment of the goals established for each area through the indicators identified by the participating institutions, an appraisal to be carried out at the end of 1992. Consequently, it is a plan of action which harmonizes the main policies in the area of children with the national guidelines and commitments entered into by the ratification of the Convention on the Rights of the Child, by Act No. 7184.

19. As part of these efforts, and with the help of extensive cooperation, especially from the United Nations Children's Fund (UNICEF), work has been done on the identification of methodological instruments for intersectorial intervention in priority cantons, so as to render it possible, firstly, to reach the child population in the most direct possible way; secondly, to secure a more rational use of the limited human, financial and physical resources available and, thirdly, to obtain an effective participation of local organizations and bodies in the solution of their specific problems and needs.

20. This methodology is being formulated and tested, and it is hoped that it can be made known in detail at the beginning of 1993, since it appears to be an option which will make it possible to guarantee greater efficiency and effectiveness in the supply of services to the groups of children defined as requiring priority attention while, at the same time, enabling the country to improve the use of the resources from external cooperation.

21. On the other hand, work is proceeding apace on the identification of new budget instruments which will enable the institutions to quantify the costs of the various activities and, in a consolidated way, to estimate the budget requirements to attain the established goals, as regards both national and external resources, for the short, medium and long terms, as part of the strategy to mobilize additional resources and to develop programmes that will have an impact on the target sectors of the population in the context of a government reform that the present administration is promoting.

22. The National Plan of Action has been presented and discussed in various national forums and a strategy is being put together for widespread publicity, with full communal participation in the various regions of the country, for the purpose of designing specific projects for regional intervention in accordance with particular local needs and characteristics.

B. Measures to harmonize legislation with the provisions of the Convention

23. A few days after becoming President of the Republic, Mr. Calderón Fournier called upon the deputies to ratify as soon as possible the Convention on the Rights of the Child which, on 18 July 1990, became Act No. 7184. To follow up this national commitment, the Government of the Republic established, by Executive Decree No. 19884 PJ of 23 August 1990, the National Committee on the Rights of the Child, presided over by Mrs. Gloria Bejarano de Calderón, the First Lady of the Republic, which has been working uninterruptedly and whose achievements will be listed below.

24. The Office for the Defence of Children, established by Decree No. 17733 in 1987, was strengthened in 1990 by Act No. 7142, which laid its legal foundations, so that it could carry forward all matters of interest to minors, problems and situations to which it must react at moments when the higher interests of children are involved. This Act has made possible a greater consolidation of the Office as a body to be taken into account by public and private institutions in connection with actions related to minors, both as regards its participation, requests and opinions and as a place of recourse to obtain directions or the necessary intervention to resolve various situations which could hinder the enjoyment of some of the rights of the child established in the Convention.

25. For the purpose of complying with article 4 of the Convention, the Office for the Defence of Children has supplied the following information:

26. In order to harmonize ordinary legislation with the contents of the Convention, which has a higher legal rank, a project was begun in 1991 for a database to collect together all the legal rules concerning minors which are to be found in positive Costa Rican law and which are actually in force. To date, a compendium of these has been completed which is in its final phase of digitization for insertion in the database, for which purpose a special programme (Tesauro) has been devised, based on the Convention components of survival, development and protection.

27. In June 1991, a bill was submitted to the Legislative Assembly containing a "Minors' Code" which, once approved, will make a major contribution to securing the rights of the child; one example is the recognizing and granting of equal social protection rights and the recognition of parental obligations to children, irrespective of whether they are born inside or outside wedlock. It includes regulations concerning education, health and nutrition, protection against economic exploitation, juvenile courts and guardianship measures for minors. The Code is an example of the national interest in supervising the implementation of the various articles of the Convention.

28. This bill is being discussed in the Social Affairs Committee which has requested contributions and suggestions from various national bodies for the purpose of enriching it so that the Code, as approved, will effectively respond to the present requirements. Along these lines, the lawyers' group of the National Children's Trust (PANI) prepared a draft Minors' Code which was submitted to the Social Affairs Committee by the PANI Executive Board in April 1992.

29. On the other hand, the Office for the Defence of Children, through its analysis of the aforesaid legal compendium, will offer essential contributions so that, in the final draft of the Minors' Code, concordance between the ordinary national legislation and the contents of the Convention will be achieved, with due regard for the fact that the rules of both positive and procedural law must be covered.

C. Existing or planned mechanisms at national, regional or local level for publicizing and monitoring the rights of the child

1. Publicity mechanisms

30. In connection with article 42 of the Convention, various mechanisms and procedures have been devised and put into effect.

31. The first was the establishment of the National Committee on the Rights of the Child on 23rd August 1990, presided over by Mrs. Gloria Bejarano de Calderón, the First Lady of the Republic, with the participation of the main bodies which, at the national level, are directly connected with tasks affecting the children of Costa Rica. Among the functions of this Committee is the review of programmes and their adjustment to the guidelines derived from the Convention. It also promotes activities to publicize the contents of the Convention among both public-sector institutions and non-governmental organizations. On the other hand, it set itself the task for 1992 of formulating guidelines for a children policy, with recommendations for legislation, a working methodology, strategies for a joint approach - public and private sectors - and the preparation of periodic reports to make national public opinion aware of the problems and limitations encountered and the achievements accomplished in implementing the rights of the child. For the first half of 1988 (sic), it will define a policy for the family and will launch a vigorous campaign to strengthen family life.

32. The High-Level Technical Commission also took shape in 1991. This Commission, which brings together national and regional governmental institutions, has prepared the National Plan of Action for the Human Development of Children and Young People and the operational follow-up plan to achieve the aims derived from the Convention.

33. This Commission has encouraged the establishment of working committees within its member institutions for the purpose of carrying out the relevant follow-up operations and publicizing the Plan in their specific components. Thus the Ministry of Health has promoted awareness of the Convention through the basic technical committees which operate at the local level with the participation and representation of the living forces of the community.

34. For its part, the Ministry of Public Education has encouraged the formation of specific committees in its educational regions and sub-regions and, through the teaching staff, has organized many informative discussions with parents, student leaders and students in general and has included in school assignments homework and competitions relating to various articles of the Convention.

35. The National Children's Trust (PANI) has held seminars and workshops to train its officials on the subject of the rights of the child with the particular aim of securing changes in traditional procedures so that, through the various programmes that they carry out with and for children, the

obligations under the Convention are fulfilled and its significance fully guaranteed.

36. For its part, the Office for the Defence of Children has, during the last two years, engaged in the following activities which were all designed to comply in particular with the aforesaid article 42:

(a) It has held 12 workshops, with institutions that work with children, to promote the rights of the child at the community level;

(b) It has trained 600 officials responsible for the direction and preparation of academic work for primary and secondary education;

(c) It has organized 50 talks and lectures on the rights set out in the Convention for members of the medical profession, employees of social-service bodies, trade-union officials and members of community organizations;

(d) It has run training courses on children's rights for rural guards (police) in four of the country's communities;

(e) It has participated in 50 television programmes devoted to the rights of the child;

(f) It is implementing the community programme "Limón reaches out to its children", directed to promoting children's rights through the training of educators, and is coordinating with other bodies devoted to child care its activities for effective protection in the province. A pilot project is being developed in the Barrio Limoncito School which includes training all the teachers in the school as agents for the protection of the rights of the child, training the parents in nurturing standards based on children's rights, organizing workshops for the children on their rights and incorporating the neighbourhood organizations in the protection of the rights of the child; and

(g) The following publicity and educational materials on the rights of the child have, inter alia, been prepared, published and distributed:

(i) 5,000 copies of "Let us defend the rights of boys and girls";

(ii) 1,000 copies of the little story: "Let us save the lives of Luisito and Anamaría";

(iii) Audiovisual material (diaporama) "Let us save the lives of Luisito and Anamaría";

(iv) 3,000 calendars for 1990, 1991 and 1992;

(v) 3,000 copies of the Basic Authorities Manual;

(vi) 3,000 education posters;

(vii) 3,000 three-part booklets on the Office's work to protect the rights of the child; and

(viii) 5,000 posters and 2,500 pamphlets to promote the protection of children's rights in Limón.

2. Coordination mechanisms

37. During 1990 and 1991, particular attention was paid to the institutional organization of the public sector for the coordination and definition of the principles and provisions of the Convention, a situation that has since been modified. From 1992 onwards, emphasis was placed on the need for greater involvement of the non-governmental organizations (NGOs), particularly with respect to the supply of services and the carrying out of certain activities relating to minors in especially difficult circumstances. To that end, a seminar-workshop was held in April 1992 the result of which was the establishment of a standing NGO committee which has since been meeting periodically. Its purpose is to identify specific work areas complementary to government action and based on the principles of the Convention, particularly with regard to the care of minors in situations of risk.

38. Although the organizational and coordination conditions have been defined at the national level, their operation is still defective. There is a high-level political body in the form of the Committee on the Rights of the Child, a governmental Technical Commission and an NGO committee, but their fields of action have not been clearly established and there are still duplications and, in some cases, overlapping in the supply of services.

39. On the other hand, this structure has not been reflected at the regional and local levels so that each body could respond to particular necessities and priorities. There are national guidelines, but these need to be put into practice and translated into projects and specific intervention activities according to the cultural patterns, priorities and socio-economic situations of the individual regions and their respective cantons or municipalities.

40. As for the cooperation of external organizations, it should be explained that, although there were joint activities in 1991, particularly between UNICEF and the United Nations Development Programme (UNDP), in 1992 there has been an apparent separation with the organizations promoting different forums, with different approaches and objectives, to follow up the World Summit and this has created confusion among the institutional officials, a duplication of efforts and a dispersal in the use of human and financial resources.

41. More specifically, we are referring to forums such as that held at Brasilia in April 1992, sponsored by the Pan American Health Organization (PAHO) and the World Health Organization (WHO), for the purpose of following up the World Summit, with a clear bias towards health, losing sight of the required integral approach towards the subject of childhood. On the other hand, UNDP convened a Central American technical meeting in July 1992, to prepare a progress report on the National Plans of Action for the Human Development of Children and Young People, with the emphasis on designing a strategy to mobilize external and internal resources to fill the gaps between the aims of the Plans of Action and the resources available to the countries.

42. Now the countries are being asked for a progress report, through the Committee on the Rights of the Child, in a format considerably different from that of the earlier reports, the emphasis being on legislative, judicial and administrative measures in force or foreseen by the countries to implement the Convention on the Rights of the Child, and this is not necessarily adapted to the pattern of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children - subsequently transformed, at the request of UNDP, into the National Plan of Action for the

Human Development of Children and Young People - that we prepared and which was ratified at the Summit Meeting of Central American Presidents, held at Tegucigalpa, Honduras, in December 1991.

43. We stress this aspect because, at a time when the various countries are trying hard to make rational use of their scarce human, financial and physical resources, it seems that these are being frittered away as a result of the apparent lack of coordination concerning children among the cooperating organizations and agencies. Consequently, Costa Rica wishes to appeal for greater and improved integration and consensus, in the coming months, between the cooperation organizations and the countries so as to render it possible effectively to channel efforts and resources towards the genuine attainment of the goals which we have set ourselves in this area with a view to the twenty-first century.

III. DEFINITION OF THE CHILD

44. As regards this aspect, Costa Rican legislation contains various definitions as reproduced below.

(a) Civil Code

45. Article 37 of the Costa Rican Civil Code defines the attainment of majority as follows: "Persons who have reached the age of 18 years are majors, those who have not reached that age are minors."

(b) Childhood Code

46. The Childhood Code of 1932, which is still in force, does not contain any express definition of the concept of the child. In various articles there are provisions concerned with minors, indicating these as having different ages according to the circumstances of guardianship, so that it can be said that there is no single definition of the child in this Code.

(c) Ministry of Public Education

47. The Ministry of Public Education points out that it is governed by the provisions of the Constitution as regards free and compulsory education for children from 7 to 15 years of age. We consequently conclude that 15 is the age at which compulsory education ends.

(d) General Directorate of Statistics and Censuses

48. However, the General Directorate of Statistics and Censuses defines illiteracy as from 12 years of age upwards. It likewise includes in the economically active population persons who have reached the age of 12 years.

(e) Labour Code

49. As regards work by minors, section II, article 88, of the Labour Code provides that night work by minors under 18 years of age is absolutely forbidden as is day work in jobs in hostelries, clubs, bars and all outlets retailing intoxicating beverages for immediate consumption.

50. Article 89 provides that the following are also forbidden:

(i) Work by persons over 15 years of age but under 18 years of age for more than 7 hours per day or 42 hours per week;

(ii) Work by persons over 12 years of age but under 15 years of age for more than 5 hours per day or 30 hours per week;

(iii) Work by persons under 12 years of age; and

(iv) Generally speaking, employment of persons of school age who have not completed, or whose work prevents them from completing, their compulsory education, with the clarification that "nevertheless, in the case of agricultural or pastoral holdings, day work by persons between 12 and 18 years of age will be permitted".

51. Article 90 also provides that the following cases are prohibited:

(i) The exercise for the account of himself/herself or of another person of an occupation practised in the streets or public places by a female less than 15 years of age or an unmarried female less than 18 years of age; and

(ii) Work by persons under 15 years of age in the sale of objects in theatres or similar establishments or as actors or in public representations of any form in places of entertainment of any kind, broadcasting stations or theatres, apart from those held in connection with school festivals, charity evenings or religious meetings.

52. Article 91 states that, in very carefully defined cases, the National Children's Trust (PANI) shall be empowered to grant written permission for exemption from the provisions of the aforesaid articles: cases in which the minor needs to work because of the extreme poverty of his parents so as to provide for his own upkeep or that of persons living with him, when it is a case of light work compatible with the physical, mental and natural health of the minor, or in cases in which the minimum of compulsory instruction prescribed by the law is in some way provided.

53. It must be mentioned that, although there is legislation to regulate matters related to minors' work, there is no way of checking whether it is respected. Reports have recently appeared in the press that about 52,000 minors drop out of primary or higher schools every year to engage in productive activities because of the neediness of their families. This represents drop-out rates of 2.2 per cent from primary and 11 per cent from secondary education.

54. Although the authorities are making efforts to supervise minors' work, this is being rendered difficult by personnel limitations, particularly during the hours of night.

55. To that end, it is necessary to appeal to society in general to comply with the law in that respect and to the employers who engage minors to do work of kinds not permitted by the law.

(f) Family Code

56. As regards the minimum age for marriage, the Family Code lays down that it is an impediment to marriage if the person concerned is younger than 15

years old or is under 18 and has not been granted the prior and express consent of his parent or guardian. On the other hand, it points out that the valid marriage of a minor produces the effects of the attainment of majority. Even if the marriage bond is dissolved, the former spouse remains a major.

(g) Aliens and Naturalization Act

57. With respect to nationality, Act No. 1155 of April 1950, the Aliens and Naturalization Act, provides that the following persons are Costa Ricans by birth:

(i) The child of a Costa Rican father or mother who is born in the national territory;

(ii) The child of a Costa Rican father or mother, by birth, who is born abroad and is recorded in the Civil Register, at the wish of the Costa Rican parent while he is a minor or at his own wish prior to reaching the age of 25 years;

(iii) The child of foreign parents who is born in Costa Rica and is registered as Costa Rican, at the wish of either of his parents while he is a minor or at his own wish prior to reaching the age of 25 years; and

(iv) The child of unknown parents found in Costa Rica.

(h) Costa Rican Health Insurance Scheme and Ministry of Health

58. As for the aspects connected with health, both the Costa Rican Health Insurance Scheme and the Ministry of Health indicate as a general definition that the child population is made up of "children from birth until 19 years and 11 months", subdivided for their purposes into the following categories:

(i) Pre-school, from 0 to 6 years of age;

(ii) Schoolchild, from 7 to 14 years of age; and

(iii) Adolescent, from 15 years of age to 19 years and 11 months.

59. However, for the purposes of the National Programme for the Integral Care of Adolescents, they establish a different category covering persons between 10 years of age and 19 years and 11 months, subdivided into: early adolescence, intermediate adolescence and late adolescence.

(i) Legislation regarding criminal liability, deprivation of liberty, etc.

60. Lastly, with respect to criminal liability, deprivation of liberty, imprisonment and consumption of alcohol or other controlled substances, the situation is as follows:

61. Current legislation specifies, with regard to the deprivation of liberty, that juvenile offenders may be detained in educational establishments and may, in no circumstances, be held in premises intended for adults.

62. As for the consumption of liquor, the regulations of the Gaming Act provide that the presence of persons under 18 years of age in places where

spirits are retailed and consumed in prohibited, while an executive decree of 1988 forbids the sale of cigarettes to minors in any commercial establishment.

63. The possession or consumption of unauthorized psychotropic substances by any person is prohibited by Act No. 7093 which provides that "the penalties established shall be increased at their minimum and maximum extremes by one third if the offence is to the prejudice of a person under 17 years of age or of a person who cannot be blamed".

64. Despite these regulations, the fact is that they are not respected. Minors are frequently encountered in public places where liquor is retailed and cigarettes are sold quite indiscriminately.

65. It must be recognized that the Ministry of the Interior and Security is making greater efforts to have these rules respected but, given the number of places throughout the country in which liquor is retailed, it is very difficult for the various police forces to supervise them. In the last two years, several bills to regulate this problem have been submitted to the Legislative Assembly, but it has not put them through the appropriate procedures.

(j) National Children's Trust (PANI)

66. The National Children's Trust recommends that the Minors' Code should adopt the following definition: "Any human being who has not reached the age of 18 years is a minor", and add: "All persons who are in this situation shall be denominated in this Code as 'minors'. Where legislation refers to a 'child' or an 'adolescent', such concepts shall be understood as referring to a minor who is less than 12 years' old and to a minor aged between 12 and 18 years respectively."

IV. GENERAL PRINCIPLES

67. In this chapter, we shall refer to the principal legislative, judicial, administrative and executive measures in force or foreseen, to the difficulties encountered and to the progress achieved in implementing the provisions of the Convention in respect of the principles of non-discrimination (art. 2); the best interests of the child (art. 3); the right to life, survival and development (art. 6) and respect for the views of the child (art. 12).

A. Principal legislative, judicial and administrative measures in force or foreseen

68. In the legislative area, as mentioned above, a bill for a new Minors' Code has been submitted. It provides for various mechanisms to comply with these principles.

69. Likewise, various other bills have been submitted, such as the bill to reform articles 126, 142, 167, 184 and 187 of the Criminal Code which would have the result of regulating adult behaviour alien to the will of the minor and thus supplying the country with a legal instrument to control and combat attitudes that interfere with the best interests of the child, the child's survival and development and respect for the child's views.

Article 2

70. The Constitution provides that there shall be no discrimination and it is respected and obeyed in practice. Thus, for example, the Ministry of Public Education reports that non-discrimination is guaranteed by accepting the request for enrolment of any person who wishes to enter the educational system.

71. The Ministry of Health provides health-care coverage in all the geographical regions and states in its General Health Act that "the enjoyment of an optimum level of health is one of the basic rights of any human being, without distinction of race, religion, political ideology or social condition".

72. For their part, the National Children's Trust (PANI) and the Mixed Social Assistance Institute (IMAS) report that they respect the principle of non-discrimination on the basis of sex, religion, ideology, age or ethnic group in their care of minors, or their parents, when applications are made for institutional services.

73. In this context, the Genuine Social Equality of Women Act, promulgated in 1989, has made a major contribution to reducing gender discrimination in the country.

74. Data supplied by the Ministries of Labour and Public Education regarding the schooling of males and females indicate that, in this field, participation in and attendance at educational centres is equalitarian; however, there is still discriminatory treatment as regards the kind of work for boys and girls and the respective wages and salaries.

75. The National Committee on the Rights of the Child takes the view that this subject should form part of a process of changing attitudes through a refocusing of education and of practices in the home rather than through legislation. A start has been made with the process of changing texts and pictures in the schoolbooks used for the first and second cycles in particular, accompanied by talks, seminars and a series of training and publicity activities on gender problems, through both formal and informal bodies, in an effort being carried out by the National Centre for the Development of Women and the Family, with the support of public and private organization.

Article 3

76. With respect to article 3, concerning "the best interests of the child", the institutions report that they are implementing this principle in various ways:

(a) In the case of the Ministry of Public Education, the curriculum policy adopted over the last two years "regards the pupil as the principal subject of education";

(b) In the case of the health sector, it is reported that "for a number of years, child health problems have been given major attention and children have constituted a priority care group. Action has been taken to control most of the factors that cause sicknesses of the mother and future child during pregnancy, since most of them can be prevented";

(c) In the case of the National Children's Trust (PANI), the Mixed Social Assistance Institute (IMAS) and, in particular, the Office for the Defence of Children, it is reported that the best interests of the child prevail in every administrative action taken by those institutions and in every intervention or treatment they carry out.

77. However, it seems appropriate to include here a comment by the Office for the Defence of Children on this aspect which may give us food for thought on institutional action:

"The greatest violations of the rights of children and adolescents are due to the State itself, the responsibility lying directly on the various institutions that represent it in the fulfilment of its duties towards minors. Thus, as we have observed, the raison d'être of the public institution is lost when, in carrying out its duty to support and direct children in the enjoyment of their rights, it sometimes deviates to giving priority to rules, administrative procedures and the subjective feelings of adults."

Article 6

78. As for article 6 on the right to life, to survival and to development of the child, the health sector first reports the legislation in force prohibiting abortion, followed by an account of the direct care supplied to individuals which are centred on the family group since the family is regarded as the prime unit providing the factors for a child's normal development.

79. The country has a Family Code which is currently being amended and updated to respond to current needs and problems in this field. To that end, two bills have been submitted, in September and October 1990, for the purpose of amending articles 13, 15, 16, 100 and 118, repealing articles 119 to 126 inclusive and adding a new chapter to regulate the de facto union. These amendments are being analysed in the Social Affairs Committee and some of them have already met with majority approval.

80. In addition, according to information supplied by the Ministry of Health, this article is implemented through a series of programmes and sub-programmes for mother and child care, some of which are underpinned by laws or decrees. Such is the case of the National Maternal Breast-Feeding Committee, attached to the Office of the Minister of Health, which is reflected in the maternal breast-feeding sub-programme, the Interministerial Committee for Minors in Costa Rica and the regulations governing activities in the field of maintenance and nutrition, with the emphasis on pregnant women, breast-feeding mothers and children under six years' old in danger of malnutrition.

81. The National Children's Trust (PANI) stresses that: "the right to life, survival and development is guaranteed through the new intervention models protecting these rights which, moreover, are supported by constitutional and legal principles that are applied and respected". More specifically, it reports that, although PANI has been developing a programme for the adolescent mother and her family since 1977, it has since 1991 been updating and redirecting that programme "with a more human and coherent focus in accordance with the factual situation and requirements of the child-mother at least during pregnancy, which prepares her for the future, whether she decides to bring up the child or have it adopted, thus guaranteeing the right to life, survival and development".

82. The Ministry of Public Education states that, in keeping with this principle, it has organized and promoted numerous events to encourage children's respect for life, incorporating into curricular policy aspects relating to growth and development, the rights and duties of children and matters relating to hygiene, food and nutrition.

83. Along the same lines, the educational programme has since 1991 included a component on the action to be taken in the event of emergencies and natural disasters. This component is being taught in all the educational centres, in coordination with the National Commission on Emergencies and WHO.

84. In addition to the knowledge imparted in the classroom, television shorts and radio programmes have been designed, together with posters, folders, leaflets and guidelines intended for teachers, parents of families and students in general. Furthermore, emergency committees have been established in all educational centres with the participation of pupils and teachers. All these activities are directed to preserving life, promoting survival and reducing accidents which might occur in the case of happenings of this kind.

Article 12

85. Article 12 is intended to guarantee respect for the views of the child. The main institutions consulted have replied that, in their activities, they endeavour at all times to respect the views of the child.

86. This is a principle which is of particular importance for the Office for the Defence of Children inasmuch as "a space has been gained and recognition by public opinion in general and, more particularly, by the population of interest to us, i.e. the children, since they are the ones that are daily informing our Office of the most varied violations of their rights". On the basis of such information, it has proved possible in the last two years to handle 6,480 cases by means of consultations, complaints or accusations in connection with children's rights and 506 files have been made up on particularly difficult situations related to this subject.

87. Furthermore, the Office has kept up an ongoing effort to inform children and adolescents of their rights in order to develop their thinking on the subject. The results of these workshops and encounters strengthen the foundations of its task and guide its activities.

88. The Ministry of Health reports that, to apply the principle, "the mother and child population has been receiving health care based on its needs. It has received support to ensure recognition and understanding of its state of health and illnesses and active participation in its treatment, recovery of health and recuperation".

89. The above forms part of the health-education strategy, of which the individual is the subject and regarding which he is informed, with due regard for his age, of the features of his illness so that he can participate more effectively in the entire process up to recovery. This is particularly important in the case of diabetic children or children with congenital or degenerative diseases, where the sick minor's views and reactions to treatment are of the highest importance.

90. The Ministry of Public Education reports that, to apply the principle, it has put into effect, among other instruments the assessment regulations and

promotion standards for basic and diversified general education, which enable the student to select his study area, together with the general regulations on student discipline, cohabitation and merits, in which the student plays an active part and his opinion is of considerable importance, since he is offered the opportunity to express his views and to participate in decisions.

91. The philosophy of the new curricular policy takes into account, inter alia, the following rights of the child: the right to express and defend opinions, the right to freedom of thought, conscience and religion, and the rights to freedom of association and information, as rights basic to the formation of the Costa Rican citizen.

92. To this end, the organization of the student community has been encouraged through the election of its representatives to: department governing bodies, assemblies of student representatives, the student electoral tribunal and the executive committees of the student governments.

93. The National Children's Trust (PANI) pays individual attention to the child and works with his parents on the basis of his views, assessments and opinions. In addition, there is the Civil Procedure Code which establishes the minor's capacity to act and the duty of the authorities to listen to and heed him, particularly with regard to his legal placement.

B. Institutional difficulties and limitations

94. According to the bodies consulted, there are various problems or limitations. These run from the attitudes of civil servants to the lack of understanding on the part of the members of the public in general regarding their responsibilities as professional or other workers or as parents in achieving respect for the rights of the child. In between, there is a whole range of difficulties, administrative, financial or due to a lack of trained staff, together with defects in the coordination processes and institutional inflexibility which makes it difficult to adapt to new demands and needs. There is also a lack of creativity in identifying, formulating and implementing new kinds of child care, in a context of strong macroeconomic measures, reform of the State and a new pattern of development with social justice.

95. We might mention that the institutions are immersed in a transition process, whereby they must adjust their traditional activities and review them in detail for the purpose of proposing, for the years to come, new and novel ways of supplying services, concentrating more on defining policies, giving outlines and acting as regulators, leaving the civil sector to play a more active part in the execution and direct supply of services.

96. It is necessary to review the concepts of social solidarity with which our society developed during its early years of republican life and to allow civil society to take back many of the activities which the growth of the government sector has removed from it over the years. We are aware of the fact that the task of caring for children and seeing to it that they enjoy their rights and perform their duties is not just one for a group of government institutions but also a duty and responsibility of each and every one of us, without whose participation very little progress can be made in that field.

C. Priorities for implementing the said articles

97. The institutions consulted have indicated various measures that should be adopted to implement these four general principles. In the first place, it is both necessary and urgent to set up regional and provincial committees for the follow-up of the rights of the child so that the efforts of the National Commission can be repeated at those levels with the participation of local leaders and grass-roots civil organizations.

98. It is necessary to establish a system to supply information from the central level to such committees and vice versa, so that the information can have a wide effect and be broadly circulated.

99. Existing legislation concerning minors must be publicized, so that society can become aware of the regulations that exist and the responsibility of every citizen to report violations and supervise their application. It is necessary to create an awareness among all citizens that the protection of minors is one of the most important and significant tasks of society as a whole and not just those of a few State institutions, as has been suggested.

100. It is not all that important to know what and how many rights human beings - in this case, children - actually have; the important thing is how to apply them and how to guarantee that our young people's rights will be respected.

101. The aforesaid should lead us to the definition of a policy, with its very clear strategy, as part of a process of caring for minors, attempting to establish priorities and stages, so as gradually to cover the wide range of activities that it implies.

102. For this purpose, a Commission has been established. It is made up of representatives of the executive, the legislature, the judiciary and the private sector. In a few months, therefore, the country will at very least have the essential elements to design a harmonious and coherent policy in keeping with the needs of the children and young people of Costa Rica. It is hoped that such a policy will be ready by the end of 1992.

103. In the definition of this policy, much attention will be paid to the children's elections, held throughout the national territory in 1990, a process whereby the minors expressed their views on what they considered to be the most important rights and which deserved immediate treatment. In this way, it is not a question of a theoretical exposition, worked out by a group of social scientists, but of a policy in which the ultimate actors, those to whom it is directed, were consulted and furnished observations and recommendations that have fixed the guidelines for the strategy to be followed.

V. CIVIL RIGHTS AND FREEDOMS

104. In this chapter, we shall refer to the activities that the country has been carrying out to implement the provisions of the Convention, as converted into Costa Rican law, with respect to the following articles:

Name and nationality (art. 7);

Preservation of identity (art. 8);

Freedom of expression (art. 13);

Access to appropriate information (art. 17);

Freedom of thought, conscience and religion (art. 14);

Freedom of association and assembly (art. 15);

Protection of privacy; and

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37, para. (a)).

105. According to the institutions consulted, most of these civil rights and freedoms are duly enshrined in the Constitution and many laws whose implementation has now been strengthened and supported as a result of the establishment of Constitutional Chamber No. IV, the Office for the Defence of Children, the Office for the Defence of Women and the Office of the Family Procurator.

A. Principal legislative, judicial and administrative measures in force or foreseen

Article 7

106. As regards article 7 on the right to a name and nationality, the Family Code establishes this right, which has recently been complemented by the provisions in this respect of the Genuine Equality of Women Act. To ensure the implementation of this right, in all hospitals in which births are expected, there is an office or, at least, a representative of the Civil Register and, within a few hours of the child's birth, the mother is visited so that the data can be taken and registered.

107. In this connection, it is important to mention that 96 per cent of all births take place in hospitals, where 100 per cent of the babies are immediately registered. In addition, since August 1988, there has been an official document entitled the child's health booklet or carnet, in which are noted the most important data concerning the birth, including fingerprints which enable the child to be identified from his birth. This document, which has been kept with particular care since 1990, has made it possible to identify several mothers who abandoned their babies shortly after their birth.

Article 8

108. With respect to article 8 on the right of the child to preserve his identity, including nationality, the same Code establishes the relevant regulation, for the implementation of which there is the participation of the National Children's Trust and, nowadays, of the Office for the Defence of Children, previously mentioned.

Articles 13, 14, 15 and 17

109. Freedom of expression and information, established in article 13, is sustained by the Constitution. In the case of the Ministry of Public Education, this is implemented through the options available to children to choose a diversified technical or academic education and is intimately linked with articles 14, 15 and 17 which promote the rights of freedom of thought,

conscience and religion, freedom of association and assembly and access to appropriate information.

110 In a democratic country such as Costa Rica, an attempt is made to apply these four articles through various actions, which are essentially rooted in the education system and imparted through 3,741 teaching centres all over the country in which 100 per cent of the minors of school age are registered.

111. In the health sector, a great quantity of audiovisual material has been prepared. This is adapted to the ages of the children with specific messages which have been distributed in all the teaching and health centres where there are girls and boys.

112. In the area of the working minor, there has been coordination between the National Children's Trust (PANI) and the Ministry of Public Education to design and execute programmes to inform these minors of their rights and give them access to information in keeping with their needs.

113. Information has also been prepared for pre-school children on the prevention of road accidents, since this is the main cause of children's deaths.

114. Through the National Programme for the Integral Care of Adolescents, the Costa Rican Social Insurance Scheme and the Ministry of Health have prepared a series of information bulletins adapted to the needs of this age group, particularly in connection with sexuality and reproduction.

115. Let us also remember the previously mentioned material prepared and distributed by the Office for the Defence of Children. On the other hand, the Ministry of Culture, Youth and Sport has sponsored the publication of various works by national or international authors, which have been distributed to the libraries of all the teaching centres in the national territory.

116. In the endeavour to apply these articles, competitions, festivals and exhibitions have been organized in the schools and colleges for the purpose of encouraging children to express themselves through the various media such as painting, writing and acting.

117. Radio programmes and publications in local newspapers have likewise been organized with the active participation of the children, of both the basic cycle and other levels, and the teachers have been encouraged to use newspaper articles as educational materials and to supply the children with information that will help their integrated development and promote the habit of reading.

118. It is important to emphasize the work done over the last two years in connection with these articles by the National Youth Movement, an organization attached to the Ministry of Culture, Youth and Sports. In 1990, the authorities in the Ministry brought up the need to carry out an appraisal of the Movement's work to ensure that its programmes and activities for young people were actually meeting their requirements. During the whole of that year, work continued to reformulate institutional policies and programmes, with the full participation of young people and, at the beginning of 1991, the national youth programme "For Love of my Country" was approved and launched, within the guidelines set out in the National Plan of Action for the Human Development of Children and Young People and in accordance with the principles and strategy adopted at the World Summit for Children.

119. To this end, the National Youth Movement has encouraged the building of various youth clubs, places in which meetings and events are held which enable information and experience to be exchanged among young people. The youth organizations have been strengthened so as to give them greater autonomy and independence in defining their plans and programmes of work, support having been given to numerous youth groups with a participation of 13,762 young people.

120. A National System of Youth Information has been designed and put into effect for the purpose of facilitating the age group's access to information on those activities and opportunities which the Government and society in general offer so that it may have greater chances of integral development. It is hoped to achieve through this System the preparation, storage and distribution of information on how to use leisure time, spaces for juvenile recreation, opportunities for formal and informal education, employment and details concerning nature, ecology and society.

121. In the area of research, the results of the National Juvenile Employment Survey were published in June 1992. This has made it possible to reveal the situation of young people with respect to employment, together with their activities, preferences and limitations, broken down by geographical zone of residence. This Survey has resulted in the identification of specific projects and also in the signature of an agreement between the National Apprenticeship Institute and the National Youth Movement for the training of young people in specific activities in which they have shown interest and in which opportunities of employment exist.

Article 16

122. As regards article 16 on the right to privacy, an essential step forward in the last two years has been a tendency to end the institutionalization of minors in large and overcrowded care centres or orphanages in favour of homes, in which each child receives direct attention, with affection from a substitute mother or aunt or a married couple responsible for not more than 10 minors, in a local and social context.

123. In this connection, the work done by the non-governmental organizations is worthy of praise, particularly that of Hogarcitos de Costa Rica, regarding which detailed information will be given below (para. 207 et seq.).

124. It is worth pointing out that, in 1992, the National Children's Trust (PANI) closed down the last old-style hostel to give place to a new kind of home with full community participation, guaranteeing the boys and girls against arbitrary interference with their privacy.

Article 37

125. Article 37, paragraph (a) states that: "States Parties shall ensure that ... no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age." We wish to point out that, in Costa Rica, there is a body of laws that deals fully with this aspect.

126. Under article 17 of the Criminal Code, however, a person below the age of 17 cannot be punished in this way. It is important to bear in mind that article 1 of the Convention states that a child means every human being below

the age of 18 years. Hence the necessity to change the aforesaid figure to bring it into line with the Convention, a legal instrument superior to the Criminal Code, according to article 7 of the Constitution.

127. Misdeeds committed by minors constituting acts or actions of types which are offences under the Criminal Code are punished by the application of a special law, the Tutelary Jurisdiction of Minors (Organization Act), which is not of a punitive nature but aimed at the social reintegration or physical or psychological recovery of a minor in an irregular situation, which is applied exclusively by a juvenile court magistrate.

128. Although there are still some large special detention centres, the present Calderón Fournier administration has been endeavouring to identify new alternative ways of dealing with these minors and is introducing non-institutionalized procedures with the participation of the local authorities and communities.

129. According to the Ministry of Justice, centres have been closed and are being replaced by open guidance centres, with daytime attendance, in coordination with non-governmental organizations (Diagnosis and Treatment Centres), hostels being organized for those minors who have no homes or places to go to for meals or to sleep at nights.

B. Institutional difficulties and limitations

130. One of the main institutional limitation or difficulties is that of the large number of laws and provisions in force which regulate this subject, which are to be found in various legal instruments, including the Constitution, international treaties, the Civil Code, Labour Code, Taxation Code, Municipal Code, Family Code, Code of Civil Procedure, Code of Criminal Procedure, Education Code and Commercial Code and instruments referring more specifically to minors such as the National Children's Trust (Organization) Act, the Vagrancy, Mendicity and Abandonment Act, the Tutelary Jurisdiction of Minors (Organization) Act, the Ministry of Labour (Organization) Act, the Child Maintenance Act, the Apprenticeship Act, the Health Act, the Sale of Intoxicating Liquors Act, the Gaming Act, the Transit Act and the Security Act. These regulations are not only dispersed but are sometimes contradictory.

131. On the other hand, there is a Minors' Code (Act No. 27 of 25 October 1932) which has become obsolete as a result of the issue of subsequent laws and the approval of international treaties, which have a rank superior to that of ordinary law, as in the case of the ratification of the Convention on the Rights of the Child in September 1990. This Code has not been repealed, however, with the result that some of its regulations are the only ones that are supposedly mandatory. Consequently, the revision carried out by the Office for the Defence of Children and by Mr. Carlos Luis Redondo, a Juvenile Court magistrate and member of the Commission on the Rights of the Child, of more than 40 acts and of several bills that have been presented to the Legislative Assembly on the subject of minors, is of vital importance.

C. Priorities for implementing the said articles

132. In keeping with the above, several basic themes have been proposed which should constitute platforms on which other important themes would be built in order that the proposed body of rules may be congruent, harmonious, useful and practical, avoiding excessive formalism but containing standards that can

regulate the situation of the minor and adolescent in a simple, realistic and operational way.

133. On the other hand, it is intended that these standards should be as specific as possible, dealing with concrete situations, so that the proposed new minors' code would include the legal interests that deserve to be protected on various subjects affecting minors such as education, work, culture, treatment, adoption, leaving the country, parental authority, tutorship, curatorship and administration of goods. A system of protection and regulation must be adopted which adequately safeguards children's interests together with standards and procedures which will guarantee the application of the substantive regulations. It is recommended that the code should include the tutelary jurisdiction of minors and should regulate the powers of the National Children's Trust (PANI), particularly with regard to the defence of the interests of children at risk or in especially difficult conditions and to cases of children who are in conflict with the law or who have been victims of an offence.

134. In short, for the moment, a priority for the Commission on the Rights of the Child is to be able to present the country with a document which contains all the legal provisions in force, duly harmonized with the Convention.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

135. The purpose of this chapter is to give an account of the principal legislative, judicial and administrative measures in force, the institutional difficulties or limitations encountered and the priorities foreseen for implementing the following articles of the Convention:

Parental guidance (art. 5);
Parental responsibilities (art. 18, paras. 1-2);
Separation from parents (art. 9);
Family reunification (art. 10);
Recovery of maintenance for the child (art. 27, para. 4);
Adoption (art. 21);
Illicit transfer and non-return (art. 11);
Physical and psychological recovery and social reintegration (art. 39); and
Periodic review of placement (art. 25).

A. Principal legislative, judicial and administrative measures in force or foreseen

136. Here again, Costa Rican legislation has many laws and provisions which deal with the subject, the most relevant being: the Vagrancy, Mendicity and Abandonment Act, the Family Code, the National Children's Trust (Organization) Act, the Childhood Code and the Child Maintenance Act.

137. As previously mentioned, the Minors' Code is being analysed by the Social Affairs Committee of the Legislative Assembly, so that it can be adapted to present-day needs.

138. In connection with this subject, the Legislative Assembly set up a Special Committee to investigate everything connected with the traffic in minors for adoption abroad and the disappearance of children in Costa Rica connected with the trade in organs for transplants. It did not succeed in demonstrating any trade in organs, but did discover certain irregular

procedures connected with the adoption of minors. This launched a national debate on the subject which has been of great benefit particularly in providing greater guarantees for children given for adoption.

Article 5

139. In connection with article 5 on parental guidance, the National Children's Trust (PANI) reports that, in February 1992, its Executive Board requested the preparation of a mobile units programme to give assistance and guidance to parents of families, particularly in remote areas of the country, to supplement the offices already in existence, for the purpose of extending the cover of the services provided and promoting in all parts of the country communal activities for the care and necessary protection of the child, with due regard for the duties of parents, guardians and other persons responsible under the law. PANI states that approximately half the 30,000 or so cases it deals with annually relate to this aspect and consist of giving assistance, guidance and psychological support to parents to overcome problems.

140. The Ministry of Public Education reports that the new curricular policy includes the right and duty of parents to play an active part in the education of their children and that this has been encouraged through meetings for the exchange of experience between teachers and parents concerning the minor.

141. The Ministry of Health reports that, both in its establishments and in the course of home visits by its staff, much emphasis is placed on the care and protection that parents must give to minors. This emphasis is particularly great in the growth and development examinations, in the nourishment and nutrition programmes, and the programme for infant survival and the prevention of contagious diseases.

142. In this specific field, the extended grass-roots technical committees, with community participation, have been doing a great deal of work to publicize the responsibilities of parents and family members, guiding and directing them concerning the various stages of growth and development and the concomitant needs of the children.

143. There are ongoing courses for parents of young children, particularly pre-school children, on the subject of caring for babies and on the reproductive process. These courses have been extended to schoolchildren and adolescents and teaching material has been worked out in coordination with the Costa Rican Social Security Scheme which distributes it on the occasion of talks or home visits.

Article 18

144. With respect to article 18, paragraphs 1 and 2, which deals with parental responsibilities and is very closely linked with the previous subject, the National Children's Trust (PANI) reports that, over the last two years, it has developed a methodology within the "community promotion" scheme to set up local groups through which advice is given to parents on their responsibilities and on various topics of family life and the care of minors. This is known as the "Parent Education Programme" and has already entailed work in 14 rural communities containing about 350 families and approximately 4,000 children. This experiment will be extended in the coming years to other places in the country, particularly those in which major problems connected with this aspect are found. It is also reported that, in about 70% of the cases dealt with, positive results were achieved (in the case of some 19,000

parents between July 1991 and July 1992) and that the families concerned had adopted responsible attitudes towards their children.

145. Likewise, in early 1992, a new and updated manual was produced with operative guidelines in the area of community promotion, designed to prevent parental ill-treatment, abandonment or lack of care of children, with specific sections for children, adolescents, parents and community organizations.

146. The Ministry of Public Education gives an account of the preparation of radio programmes, manuals and articles in local newspapers on child-rearing and childcare. It has included health, social security, nutrition and community-participation components in the school curriculum.

147. The Ministry of Health tells us of the preparation and circulation of information material, directed to parents and to the population in general, on ways of preventing common children's illnesses and on suitable feeding and hygiene practices, as part of the responsibilities of parents and guardians towards children.

Articles 9 and 20

148. With respect to article 9 on separation from parents and article 20 on children deprived of a family environment, article 162 of the Family Code states that any child that is not in parental care (patria potestas) or, in other words, is not under the responsibility of his parents (whether biological or adoptive), shall be subject to guardianship. When such guardianship cannot be provided either by a family member or the community, through the administrative procedures of the National Children's Trust (PANI), or through legal adoption procedures, the State is obliged to make up for these deficiencies by institutionalizing the minor in an establishment under the charge of PANI (articles 51 and 55 of the Constitution connected with article 6 of the Children's Trust (Organization) Act and the regulations for declaring minors to be abandoned and arranging their placement).

149. The National Children's Trust (PANI) also informs us that, since 1985, it has had an emergency programme for giving immediate and preliminary attention to minors in situations of high risk. Since 1991, however, this programme has been recast and temporary care is now given through the placement of such minors in communal hostels, run by local families, within a scheme of family reception homes. This programme is known by the name of "Temporary Family Reception Hostels", and PANI has received cooperative assistance from abroad and from communal organizations for it.

150. The minor is referred to these temporary hostels not for a single night or day but for the time during which the risk situation continues, while assistance is given to the parents or guardians in an endeavour to eliminate the factors that have caused the problem. Before a child is separated from his biological family and adoptive parents sought, the family resources must be exhausted and every emphasis is placed on the right of the child to retain the link with his own family.

151. For its part, the Ministry of Health has interpreted these provisions in the sense of rules that have been drawn up to ensure that the mother and recently-born baby are lodged together, immediately after the birth. The baby had traditionally been kept away from his mother, at least during the first twelve hours, whereas an effort is now made to ensure that the two of them are close to one another immediately after the birth. Likewise, in the hospitals,

the presence of the parents during the hospitalization of their children is permitted and they are encouraged to participate in caring for them during their stay. Until a few years ago, only the mother was permitted to be present but nowadays the presence of either of the two parents is allowed.

Article 10

152. With respect to article 10 on family reunification, which is very closely linked to the above, the Ministry of Public Education states that parents are encouraged to visit the schools to be made aware of the progress or limitations of their children and that teachers give individual attention and examine with the parents problems or concerns regarding this aspect. With the collaboration of the Education and Population Programme, the Ministry of Public Education will, from 1992 onwards, use the new "family life" teaching guides for children in the tenth and eleventh grades. These guides deal inter alia with themes such as marriage, divorce, the Family Code and the role of the community, and it is hoped that a number of mistaken ideas on these subjects will be corrected.

153. In this connection, it is pointed out that the pupils now in the tenth and eleventh school years will be the parents of the year 2000. The guides are intended to help train them through improved knowledge of such subjects both as members of a household and as future parents.

154. The National Children's Trust (PANI) reports that some 70 to 80% of the cases it handles (annual average) result in the children returning to their biological families.

Article 27

155. With regard to article 27, paragraph 4, on the recovery of maintenance for the child, it may be indicated that article 156 of the Family Code states that the following persons are responsible for maintaining minors: their parents, their elder brothers and sisters, their grandparents and their great-grandparents, in that order, when the person with a prior obligation is unable to meet it out for some good reason.

156. Moreover, in the case of a minor who has procreated, a legal action can be brought for him to fulfil his maintenance duties to his child. In the event he is unable to do so, the obligation falls back on his legal representative, whether his parents or his guardian.

157. There is also the Child Maintenance Act, supervision of the implementation of which is entrusted to the National Children's Trust (PANI). This Act provides inter alia that any person of full age about to leave the country must have a certificate that he has no pending maintenance orders or else he is prevented from travelling unless he guarantees the corresponding amount by means of a deposit in the office of a mayor, according to the time he is to remain outside the country. The Act also provides that the obligations upon the parents include securing the resources needed to attend to the education, maintenance and other necessities of the child. This obligation, which is contracted towards the legal representatives of PANI, has the same legal effects of enforcement authority and is capable of variation in respect of its existence and the corresponding amount only in accordance with the law. In this connection, PANI dealt with 7,883 maintenance orders in 1990 and, between July 1991 and July 1992, a total of 6,909 such orders.

Article 11

158. Article 11 states: "States parties shall take measures to combat the illicit transfer and non-return of children abroad". It has not been possible to obtain much information on this subject. Only the National Children's Trust (PANI) reports that it regularly reviews and updates the regulations concerning departure from the country of persons of minor age. The new regulations were approved in December 1991, but no statistics have been reported.

159. On the other hand, the legislature has received a proposal for the consideration of a bill to regulate everything concerning adoptions at the Central American level. The purpose is to have an appropriate legal instrument which would regulate the relations of the countries concerned in this respect and define uniform criteria to determine what legislation is applicable in matters of adoption: that of the country of origin of the minor or that of the country of the adoptive parents. This bill would also make the illegal traffic in children an international offence.

Article 21

160. According to information supplied by the Office for the Defence of Children concerning article 21 on adoption, article 100 of the Family Code states that a person of minor age is not legally empowered to adopt and that the adopting party must be a person aged at least 25 years of age and meet the other requirements of the said article. In the case of joint adoption, it is sufficient for one of the spouses to have reached the majority which, in this case, is 25 years of age.

161. For its part, the National Children's Trust (PANI) states that, through its interdisciplinary teams, it is constantly revising and updating aspects relative to the declaration of the state of abandonment. On 1st December 1991, its Executive Board prepared and published a new set of regulations which govern this subject and which are to be found in the corresponding annex.

162. The total number of children taken into care on account of abandonment during the years 1990, 1991 and the first half of 1992 was 15,604, while the children given for adoption during the same period were 1,186 in number. This means that more than one child per day was given for adoption. In the period July 1991 to July 1992, 3% more girls than boys were taken into care because of abandonment, an aspect which deserves a greater analysis of previous years to discover the historical trend.

Article 39

163. With respect to article 39 on "physical and psychological recovery and social reintegration", the Office for the Defence of Children states that this is the primary aim of the Tutelary Jurisdiction (Organization) Act and is enshrined in articles 34 and 26 thereof. The tutelary management ordered by the Act has the objective of securing the physical and psychological recovery and social reintegration of the minor. We should bear in mind that, irrespective of the situation in which the minor finds himself or is found, he should not be regarded as a subject of punishment but as a subject for special attention, education, care, supervision and modern correction.

164. The National Children's Trust (PANI) states that it has endeavoured to deal with this right by formulating a methodological integral care proposal for the recovery of minors subjected to family violence. It is essentially intended to give integral support to groups of mothers whose daughters have been sexually abused and to groups of adolescents who are or have been subjected to sexual abuse or other types of situations which have caused them physical and psychological disorders.

165. On the other hand, PANI indicates that it is responsible for the institutionalization of minors at social risk and in irregular situations, as defined by the juvenile magistrate dealing with the case, in accordance with its territorial jurisdiction whereby it furnishes psychological support and arranges for the minors concerned to attend the local schools so as not to isolate them from their social environment.

166. In this regard, PANI reports that, during 1990, 1,409 minors were catered for in various types of hostels. From July 1991 to July 1992, 1,309 minors were placed in custodial homes.

167. The Tutelary Jurisdiction of Minors (Organization) Act, mentioned above in paragraph 127, establishes the power to confine minors in reeducational establishments when other alternative measures which do not imply deprivation of freedom or limitations on freedom are not the most appropriate to ensure the effective correction of the minor. Article 6 of the Act in question states that, whenever it is necessary to hold a minor because he has been found in a situation such as to qualify him as a minor in an irregular situation (offender), he must be immediately placed at the disposal of the juvenile magistrate and, in no circumstances, may he be held in places intended for persons of adult age.

168. To this end, the Ministry of Justice has been promoting alternative procedures and reducing as far as possible the situations which require the institutionalization of a minor, particularly in the case of girls. The emphasis is placed on reeducation processes, recreational therapies and other forms of occupational activities which enable such young people to make a gradual recovery and guarantee their future reinsertion into civil society.

169. In the case of minors who have fallen into drug dependency, disintoxication is usually carried out through immediate medical treatment but there are, unfortunately, no back-up programmes or care systems.

Article 25

170. Lastly, with respect to article 25 on the periodic review of placement, this is regulated by articles 38, 44 and 70 of the Tutelary Jurisdiction of Minors (Organization) Act, whereby the director of the establishment is obliged to make a quarterly report to the juvenile magistrate indicating the status of the detainee and incorporating in it the appropriate recommendations. It is also compulsory for the magistrates to visit at least once a week the establishments for the custody of minors within their jurisdiction to ensure that they are operating well and that the legal rules concerning treatment are being respected, the appropriate measures applied and the results obtained.

171. A record must be drawn up of each visit. In addition, while the tutelary measures are being applied, the magistrate must review each case every six months and record in writing that he has done so. However,

according to the Office for the Defence of Childhood, these legal obligations are not being adequately complied with.

172. The Mixed Social Assistance Institute (IMAS), which has the duty to supply support and advice to the social welfare institutions, sends representatives to visit these centres and ensure that they come up to standard with regard to hygiene, safety and quality in the care they give to the minors placed in them. It is empowered to request the closure of such centres if they do not comply with the established requirements and standards.

173. The National Children's Trust (PANI) makes use of a similar procedure in the case of family reception hostels in which minors are placed, whether temporarily or permanently.

174. The Ministry of Health, through its health inspectors, makes half-yearly assessments, more frequently in the case of teaching centres.

B. Institutional difficulties and limitations

175. As regards this component, the most relevant factors are those connected with irresponsible behaviour by parents towards children which, in some cases, is the result of a lack of knowledge and in others is closely connected with the socio-economic situation of the person concerned. However, there is a theory that problems of this kind occur in all strata of the population but that the cases reported to the State institutions mainly occur in poor homes, with the result that there is a tendency to associate paternal irresponsibility with those population groups.

176. Another aspect which presents a large number of problems is that relating to the application of the Child Maintenance Act since, although the National Children's Trust (PANI) plays a very important role in fixing the sums in question, the follow-up to ensure that the individuals concerned pay the maintenance assessments regularly is very defective. All kinds of problems are encountered such as the reporting of lower wages, changes of workplace, concealment of the person who should make the payment, arrears in the payment, slowness in handling applications to increase the amounts assigned, excessive formalities and ignorance on the part of the beneficiaries of their rights in the matter.

177. As a result of the above problems, a group of women has organized itself, with advice and assistance from the Office for the Defence of Women, into an association not only to speed up procedures as regards the group itself but also to assist other women and children who are in a state of abandonment and require maintenance orders.

178. As for the situation of minors who are taken into care year after year on account of the problem of abandonment, this is of concern both to the institutional authorities of the public sector and to private sector bodies which collaborate by supplying these children with temporary or permanent hostels. The numbers concerned have been increasing every year and the programmes put into effect have not succeeded in reducing them.

179. Unfortunately, the statistics available cover too short a time for it to have been possible to carry out an analysis of trends and a breakdown by sex and region in an endeavour to identify factors which cause or generate this type of action on the part of parents or guardians.

180. Another problem encountered is the poor institutional capacity to follow up all the minors who have had any type of problem so as to verify their recovery, rehabilitation and reinsertion in social life in advantageous circumstances.

181. Lastly, a widespread difficulty is the absence of instruments to measure the degree of impact with which the messages of the various information campaigns are received and put into practice by the target population groups to whom they are directed.

C. Priorities for implementing the said articles

182. Generally speaking, the following priorities are regarded as basic if some of the existing problems are to be overcome:

(a) The establishment of radio, television and other mass media programmes to guide and direct parents towards a better idea of their responsibilities to their boys and girls;

(b) The establishment of technical support mechanisms by public and private social welfare institutions for the families of children at social risk and in irregular situations to enable them to handle the situation by themselves and with the assistance of their respective communities;

(c) Designing a quarterly statistical information system on the situation of children with particular reference to the subjects of abandonment and adoption. Strengthening of the capacity of the National Children's Trust (PANI) to assess the information it receives and processes through the various delegations, and wide circulation of such information to public opinion;

(d) Setting up by 1994 of programmes for the protection of children against abandonment in at least 50% of the cantons in which the practice is most prevalent;

(e) Setting up by 1993 of at least 10 alternative care programmes for adolescent mothers and minors in situations of abandonment, with the participation of and execution by non-governmental organizations and with the technical and economic assistance of the public sector and the community at large;

(f) Designing a flexible and effective system which will make it possible to channel the reports of child abuse and abandonment to areas of priority care through the participation of private chambers and undertakings to finance the telephone lines required, the headquarters of which could be the Office of the Defence of Children or other bodies to be appointed later;

(g) Review, updating and adjustment of reeducational methods in the direction of the integrated development of the institutionalized minor and putting measures into effect as necessary to ensure his participation as a rightful member in the social environment;

(h) Guaranteeing that the institutional child care programmes are in keeping with the provisions of the children's rights system in Costa Rica; and

(i) Designing and applying instruments that will make it possible to measure the genuine impact of campaigns to prevent paternal irresponsibility

and abandonment and to guarantee the physical, psychological and social recovery of the minors who have been institutionalized.

VII. BASIC HEALTH AND WELFARE

183. In this chapter, we shall concentrate on aspects concerning the principal legislative, judicial and administrative measures in force or foreseen, the institutional difficulties and limitations and the programming priorities to deal with: survival and development (art. 6); health and health services (art.24); social security and child care services and facilities (arts. 26 and 18); standard of living (art.27) and disabled children (art. 23).

A. Principal legislative, judicial and administrative measures in force or foreseen

184. In the legislative field, mention may be made of the bill containing a new minors' code, chapter V of which deals with the health of minors, placing particular emphasis on campaigns of guidance and education for parents with respect to sexual planning and the control of transmissible diseases and on the supply of appropriate health and medical attention during pregnancy, delivery and the post-delivery period. It also promotes adequate medical services for the preventive treatment, diagnosis, treatment, rehabilitation and incorporation in society of any minor who has suffered or is suffering from any handicap.

185. The bill also includes the establishment of mother's milk banks throughout the national territory and the development of alternative projects for caring for children under 6 years of age.

186. A bill has also been submitted to the Legislative Assembly to amend the Constituent Act of the Costa Rican Social Security Scheme and the Social Development and Allowances Act, which provides for the financing and guaranteeing of a sickness and maternity insurance programme for persons of minor age, whose parents are not contributors and whose contributions would be covered from the Social Development and Family Allowances Fund. This bill is being considered in the Social Affairs Committee.

Article 6

187. In connection with article 6, which establishes the responsibility of the State for the survival and development of the child, the Ministry of Health, in conjunction with the Costa Rican Social Security Scheme, has been developing various programmes and examinations such as the subprogramme for pre-school children, which covers children from birth until 6 years of age, with supervision of their growth, development, early stimulation, vaccination and a series of hygiene and feeding education measures.

188. Children from 7 to 14 years of age are catered for by the school health subprogramme, which carries out periodic examinations of their growth and development, detecting and correcting any changes which might interfere with the learning process or have repercussions on their future development.

189. The subprogramme is carried out through visits by doctors and specialized staff to the schools. Health education is given to the teachers, parents and the children themselves. There is also the rural dental health

programme which is also carried out through visits to schools or by means of mobile units which can reach the most remote places in the country. The sanitary conditions of the schools are also monitored so that they can be kept as safe and hygienic places.

190. The infrastructure throughout the country consists of 24 hospitals, 157 social security clinics, 89 Ministry of Health centres and approximately 700 rural health posts, so that there is a very full coverage of health services for the entire population, particularly the rural population.

Article 24

191. With respect to article 24, which relates essentially to the "right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health", we may state the following:

192. Concerning subparagraphs (a) and (b) on action to diminish infant and child mortality, the health sector reports that, through the breast-feeding subprogramme and the "CDE-TRO" diarrhoea-control sub-programme, an intense campaign has been carried out to diminish mortality and sickness through acute diarrhoea and its complications in children from 0 to 6 years of age. This has involved a considerable work of educating parents and others responsible for the children so that they can participate both in the prevention and the early detection and adequate handling of various diarrhoeal episodes.

193. There is also the subprogramme for the control of acute respiratory infections which is supplied through the hospital centres and supported by various primary care and survival professionals and technicians of the Ministry of Health. As for subparagraph (c), "to combat disease and malnutrition", the country has the Nourishment and Integral Care Programme, which has been strengthened by the present administration. In fact, the Social Council has asked that the administrative procedures be improved so as to supply more and better quality foodstuffs to the minors attending the CINAI centres and the budget allocations have been increased with provisions for the regular transfer of state funds to prevent interruptions in the services.

194. These centres offer: growth and development examinations and assessments, odontological examinations and examinations of haemorrhagic points every six months, ongoing education in mouth and teeth care, development of appropriate health and nutrition habits, involvement of parents in the activities of the centre and the special plans to be carried out with their children, detection of psycho-social high-risk cases and the treatment, assessment and referral of children with handicaps, and work with the community to set up nutrition committees around each centre.

195. For its part, IMAS has a programme known as the "food coupon", whereby a given amount in colones is distributed so that the family can use it to improve its nourishment. This programme has approximately 24,000 beneficiary families every month.

196. As for subparagraph (e) concerning the advantages of breast-feeding, the breast-feeding programme endeavours to encourage mothers to continue breast-feeding exclusively for a period of at least four months. Incentives are given to donors of mother's milk so as to maintain a milk bank whereby the needs of babies whose mothers cannot supply them with milk are satisfied. The goal is to establish a milk bank in every hospital in the country.

197. The Ministry of Public Education has incorporated and developed nourishment and nutrition themes in the new study programmes with the participation of the University of Costa Rica, more specifically with the nutrition course. A nourishment-nutrition thematic revision has been carried out of that component in the study programmes. A profile of the pupil in nourishment and nutrition has been defined for the first and second cycles. Support teaching material is being prepared for the development of the theme and various training courses have been held for teachers with respect to this component.

198. Likewise, with respect to the school dinners programme, priorities have been established among the schoolchild population so that more rational use can be made of this programme's resources. A pilot plan is being developed for the management of the school dinners with direct community participation, so as to reduce administrative costs and gradually improve the amount assigned to the direct purchase of foodstuffs.

199. As for subparagraph (f) on family planning education and services, "Health policies for adolescents" was published in 1990 by Decree No. 19753 and the National Commission for the Integral Care of Adolescents was established. The latter has launched a programme on the subject of adolescent maternity and the sexual problems of this age-group.

200. This programme, which began in 1989, is intended to have national coverage. Its emphasis is on resolving the problems of the female adolescent, particularly in the field of sexuality and reproduction, so as to prevent precocious pregnancies and guarantee differentiated and integral care of adolescent mothers.

201. The above is to be carried out through two forms of care:

(a) The consultancy offices for the integral care of adolescents which are to operate in 157 social security clinics and the 89 health centres of the Ministry of Health. For this purpose, there will be interdisciplinary professional teams made up of generalists, nurses, nursing auxiliaries and specialists in nutrition, gynaecology and obstetrics, paediatrics and psychiatry, supported by 737 primary care assistants of the Ministry of Health; and

(b) Adolescent sexuality and reproduction consultancy offices which will operate in 24 national, regional and peripheral hospitals, in eight type 4 out-patient clinics and all type-3 clinics of the Costa Rican Social Security Scheme. They are already operating in four hospitals and will be extended in the months to come.

202. In addition, the programme comprises three substantive activities:

a) Training of 1,769 professionals and technicians responsible for looking after adolescents on subjects connected with biological, psychological and social problems of the adolescent and their handling, and sexual education with emphasis on participative methodology;

(b) The working out of standards for the integral care of Costa Rican adolescents so as to ensure that, in all parts of the country, uniform criteria are used, especially in technical matters; and

(c) The design and production of educational health material, with emphasis on reproductive health.

203. This programme has been put into effect in the Brunca and Huetar Atlántica regions. In 1991, it was extended to the Central Pacific and Huetar Norte regions and, in 1992, work began in the central regions of the country. The executing agencies are: the Costa Rican Social Security Scheme (CCSS) and the Ministry of Health, with the support of international organizations such as the Pan American Health Organization, UNDP, UNICEF and the Association for International Development (USAID).

204. In addition, there is the adolescent mother programme through which, on the initiative of the members of the Fundación Ay·denos para Ayudar, has coordinated with the adolescents clinics of the Children's Hospital a campaign entitled "Adolescent mother" for the purpose of informing people and making them aware of the problem of the adolescent mother in our country. A "Cine Forum" was organized and transmitted by channel 13 and, with the support of the Ministry of Public Education, the pupils of the second primary cycle and the secondary cycle were told to view the programme and prepare an assignment under the guidance of their respective coordinators. At a later stage, through the good offices of the Ministry of Public Education, prizes were given to the four best works produced.

Article 26

205. As was stated above, it is reported in connection with article 26 which covers the right of the child to benefit from social security, that, in this country, the children of directly-insured people, whether on their own account or with employer contributions, are entitled to social security. A bill has likewise been submitted to cover the under-age children of non-insured parents, the contributions being covered by the Social Development and Family Allowances Fund.

206. On an initiative of the First Lady of the Republic and through an agreement with the Costa Rican Social Security Scheme, working minors were given insurance cards in September 1991. This programme, which began with about 150 minors, has grown steadily in the subsequent months.

207. With regard to boarding installations for children, it has been deemed advisable to transcribe below a few paragraphs from the "little homes" programme for the protection of minors, with which the country has already had 10 years' experience and excellent results.

208. This programme is carried out by private organizations which state that the most responsible and intelligent action of any society in dealing with the problem of abandonment is to prevent it - to ensure that no child is either partially or completely abandoned. However, as long as society is incapable of reaching this degree of humanity and maturity and abandoned children continue to exist, it is imperative to offer alternatives so that abandonment by the family does not also become abandonment by society.

209. The traditional response was to establish institutions to take these children in so that they would not die of hunger or of exposure. However, what should have been a temporary practice has nowadays become the most common alternative and, in some societies, even the ideal solution. Despite the fact that the "discovery of the child" has now supplied us with a great deal of

information on all the factors that can affect the normal development of a child, the basic element is the lack of love and of individualized attention.

210. It has become abundantly clear that an institution is not the appropriate place for the growth, formation and development of a child. An institution will never be able to supply what nature has been generating over hundreds and thousands of years, namely, the family as the most adequate environment for the growth and development of human kind.

211. The "little homes" programme forms part of a plan for the deinstitutionalization and family placement of the abandoned child which was launched in Costa Rica in 1980. The programme is specifically directed to completely abandoned children who are under 10 years' old.

212. The experience with "little homes" has demonstrated that it is not the proliferation of orphanages but rational and efficient procedures and a responsible participation by the community which will make it possible to improve upon medieval models in caring for abandoned children. Among the objectives of these "little homes" are the following:

(a) To collaborate in the plan for the deinstitutionalization of the abandoned child by establishing various homes in which the child who has been abandoned will be given care and affection in an integral and individualized way, while preparations are being made for family re-placement via adoption;

(b) To develop an operational model which is simple and relatively economical to use; and

(c) To promote the participation of the community in the search for solutions to social problems, making organized and rational use of material and human resources.

213. "Little homes" is currently a programme set up by 8 private non-profit-making associations which have organized and are maintaining 8 houses, each of which can, temporarily, look after not more than 10 children at a time. Each house is in a different locality and this helps to avoid the programme being identified with an institution of the "village" type which, despite its great advantages as compared with traditional institutions is still, after all, a traditional institution. The "little home", on the other hand, functions as a home and not as a miniature institution.

214. Children's periods of stay in the "little homes" are temporary only. The programme takes the view that the sole genuine solution for a completely abandoned child is his insertion, through adoption, in a new home. Consequently, the persons looking after the "little home" are very anxious to ensure that formalities do not "bog down" in civil servants' offices.

215. A "little home" is thus a house which has been set up and is administered and financed by voluntary groups in the community. It has the same characteristics as the buildings surrounding it and is thus similar to a normal home. It reproduces the family environment, giving the child care, protection and affection.

216. Children entering the "little homes" are both boys and girls, between 0 and 10 years of age, who have been referred by the National Children's Trust (PANI). They remain in the programme until the PANI technical team has succeeded in re-placing them.

217. When the new parents have been selected, conditions for a harmonious empathy between them and their new child are prepared in the "little home". This is done gradually as the formalities advance, especially between the adoptive parents and their future child. They are given the opportunity to live with him for a few days and participate in his daily activities (bath, lunch, afternoon nap, games, etc.). Finally, a father-son empathy is achieved which makes possible a very natural and positive departure from the "home".

218. Apart from the "little homes" programme, executed by non-governmental organizations, there are other possibilities such as those carried out by the Vincentine Volunteers and which have a more traditional focus:

(a) Vista de Mar Hostel, Goicoechea. This gives integral care to children of both sexes, whether abandoned or coming from difficult backgrounds. It houses about 140 children. All those of school age attend schools or colleges and some are trained in technical skills. Their ages are between 1 and 15 years. The work extends to the community, which supplies medical and dental services. In the near future, a library is to be built for the use of the boarders and to offer a service to the community;

(b) San José Nursery, Aranjuez. The century-old building at the corner of 7th Avenue and 23rd Street has been remodelled for use in caring for children between 1 and 5 years' old during their mothers' working hours. The nursery has a capacity of 150 children and nearly all the mothers are single parents;

(c) Aranjuez Youth Hostel. One area of the old building already mentioned has been restored to create a dormitory for children working in the streets (selling flowers, minding cars, etc.). Apart from providing a place where they can sleep after their nightly labours, the Hostel offers them breakfast and dinner. All these children are obliged to attend some kind of training to prepare them for the future, whether it be formal schooling or technical training.

Article 18

219. With respect to article 18, paragraph 3, on the initiative of the First Lady of the Republic and with the participation of IMAS and the support of the Ministry of Labour and Social Security, the Ministry of Health and the Ministry of Public Education, the programme of community homes was launched in August 1991. In view of the fact that it is regarded as an example of integral care for children under 6 years of age and because it has been warmly welcomed in various communities of the country, we shall describe it in greater detail.

220. It may be stated that the "Programme of Micro-undertakings for Child Care: Community Homes", executed by IMAS and supported by various ministries, is fully in keeping with the principles set forth in the Universal Declaration of Human Rights in that it recognizes that the child, for the full and harmonious development of his personality, must grow in the bosom of a family in an environment of happiness, love and understanding.

221. The following articles of the Convention are applicable in the community homes programme and, at the same time, represent a justification of its implementation:

Article 3, paragraph 2: The community homes ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her.

Article 6, paragraph 2: The community homes ensure to the maximum extent possible the survival and development of the boy and girl.

Article 9, paragraph 3: The community homes will respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis.

Article 12: The community homes assure to the child the right freely to express his or her views, which are given due weight in accordance with his or her age and maturity.

Article 13: In the community home, the child has the right to freedom of expression, either orally, in writing, in the form of art, or through any other media of his or her choice.

Article 18, paragraph 3: The community homes will adopt all appropriate measures to ensure that children of working parents have the right to benefit from the programme's services.

Article 19: The community homes will take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of the community mother.

Article 23: In the community home, the special needs of a disabled child are taken into account in accordance with the required conditions.

Article 24: The community homes ensure the full application of this right to health and take steps to supply adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution.

Article 26: In the community home, boys and girls will have adequate protection from social security in the event they are the children of working parents who enjoy this right.

Article 28: In the community home, the child will begin his or her first acquisition of knowledge and its full development of bodily experiences and of abilities and skills with the object of progressively achieving, in conditions of safety, the right to education.

Article 29: For the boys and girls in a community home, the objectives of education are as follows:

(a) Development of respect for the child's parents;
(b) Development of the child's respect for human rights;
(c) Development of the child's personality, talents and mental and physical abilities to their fullest potential in relation to his or her age; and
(d) Development of the child's respect for the natural environment.

Article 31: The community homes recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to his or her age.

Article 34: In a community home, the child is protected from all forms of sexual exploitation and sexual abuse and also from ill-treatment and violence.

222. At present, there are about 300 homes with a child-care population of about 2,500 of ages between 0 and 6 years.

Article 23

223. The institutions consulted have reported the following actions in implementation of article 23, which states that "a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community".

224. Although, for more than 20 years, care for these minors has been envisaged in the general framework of the National Health System and in the "policy for the prevention of deficiencies and incapacities and for integral rehabilitation", the coverage of care for these minors has been estimated at only 4% of the demand.

225. There are specialized schools with specially-designed classrooms, a school for children with cerebral paralysis inaugurated in 1991 and physical rehabilitation centres within the health system; however, it must be admitted that they have little capacity and also the disadvantage of being concentrated in the area of the capital, with an unequal distribution throughout the remainder of the country.

226. In May 1992, the Regional Council for the Integral Care of Handicapped Minors was established, of which the Ministries of Health and Public Education are members, with the objective of combining forces in the Central American region to develop support programmes for handicapped minors. This initiative, which came from the First Lady of the Republic, was supported by the other Central American First Ladies.

227. For its part, the Ministry of Public Education reports that, over the last two years, it has been cooperating closely with the Ministries of Health, Labour and Social Security, the Costa Rican Social Security Scheme (CCSS) and communal associations to work out programmes for the integral care of handicapped children and adolescents and for the early detection of such handicaps through the preparation of a set of specific and simple instructions: direct integration of mentally-retarded children; integration of children with hearing problems; direct integration of children with motor difficulties; direct integration of children with visual difficulties; and integration as a valid alternative for children with special educational needs. In addition, material which was prepared by a cooperative effort between the Ministry of Public Education and UNICEF in 1991 has been distributed to preschool teachers.

228. Workshops have been held at the national level to train 800 teachers in new ways of caring for handicapped children; computer-training has been introduced as an additional activity in the special education programme and new models of educational care have been strengthened based on the community

and the participation of local volunteers, while 2,500 posters relating to this article have been printed and distributed.

229. In addition, it is reported that various seminars for the exchange of experience at the Central American level were held during the last months of 1991.

B. Institutional difficulties or limitations

230. Generally speaking, good national levels of health have been attained but there are still differences between geographical areas. The reduction in contagious diseases has resulted in the predominance in certain cantons of chronic and degenerative diseases, while a situation similar to that of the 1970s still prevails in others.

231. Despite the fact that the rate of population increase has fallen in the last 25 years, it is still high. The proportion of minors who are 15 years of age or older has increased. General mortality has fallen from 6.5 per thousand inhabitants in 1970 to 3.8 in 1988, while child mortality has fallen from 61.5 per thousand live births in 1970 to 15.3 in 1990. The mortality of children 1 to 4 years' old has fallen from 4.6 per thousand in 1970 to 0.8 in 1988, but there are great disparities between cantons or between districts: for example, it was 31.2 in Talamanca, 29.1 in Carrillo and 27.1 in Buenos Aires. Moderate and severe malnutrition affected 2.9% of the population under 5 years of age in 1990, but there are indications that malnutrition and other deficiencies have increased in the last two years in cantons with a high rate of child mortality.

232. In the 15 to 19 age-group, an important problem is that of pregnancy and its consequences. Between 1980 and 1985, 19% of the births and abortions covered by the CCSS corresponded to persons under 19 years of age. Some 30% of high-risk pregnancies occur in adolescents, 53% of pregnant adolescents receive no prenatal care and 39% of low-weight babies at birth are the children of adolescents. Complications of pregnancy, delivery and childbirth are major causes of female mortality. Another serious problem, especially in adolescents (15-19 years of age), is that of sexually-transmitted diseases. Research indicates that alcoholism, drug-addiction and addiction to tobacco start in this age-group in particular.

233. Health and environmental changes in Costa Rica are characterized by:

(a) Population increase and flight from the land;

(b) Greater aspirations for a better quality of life;

(c) Industrial development with the introduction of new processes and new industrial products;

(d) Development, diversification and industrialization of agricultural production;

(e) Increase in the production and use of chemicals in all economic activities; and

(f) Acceleration of the rhythm of life.

234. Another worrying problem is the excessive number of child victims of road accidents. In 1990, 33 children under 2 years of age were injured as were 272 of preschool age (2-7), 275 schoolchildren (8-12) and 447 adolescents. There were 27 minors who died at the scene of the accident, but no information is available concerning the number of injured children who died subsequently or suffered severe or handicapping injuries.

235. According to the report submitted by the Ministry of Health, one of the most important limitations is the reduction in the budget. It recognizes that there have been some increases for health purposes but states that these are inadequate to cover the demand for services, arising from the increase in population.

236. It likewise points out that, in the child-care programmes, the approach does not take into account the bio-psycho-social concept, as a result of which the desired integral view is lost.

237. It regrets the fact that there is no representative of the health sector in the National Commission on the Rights of the Child, since such a representative's contributions would be significant in implementing many of the rights defined in the Convention.

238. It emphasizes the fact that there is no real evaluation at the national level of the handicapped population, broken down by regions and by type of handicap, as a result of which it is extremely difficult to prepare specific projects to deal adequately with this problem which, it is estimated, may be affecting more than 10% of the population of the country.

239. It is clear from the aforesaid report that a very large number of committees have been set up by decree, but it is not indicated which of them are still in being and how many of them are still functioning actively or what results they have achieved. This information will have to be supplemented later.

240. As a result of the non-inclusion of statistics, we are unable to include in this report updated data on the main indicators selected to assess and follow up child health during the last two years. Even when mention is made of various activities of a preventive nature, such as education campaigns for health improvement, whether directed at parents, schoolchildren, adolescents or the community in general, no indication is given of the results obtained in terms of improving the health of the population from 0 to 18 years of age.

241. Within this component, there is clear evidence of the work being done by some non-governmental organizations with respect to the safekeeping of children; unfortunately, one of the greatest limitations detected was its low coverage as compared with the large number of minors reported by the National Children's Trust (PANI) as being cared for annually for reasons connected with risk, abandonment, potential malnutrition or other problems which adversely affect the survival and the development of children.

C. Priorities for implementing the said articles

242. In the first place, it is recommended that ongoing programmes be included to prevent traffic accidents and accidents in the home, since these are the main cause of death in the preschool, school-attending and adolescent group.

(a) Instruments should be designed that will make it possible to assess the impact of campaigns for the prevention of illnesses, accidents, problems connected with adolescents, precocious pregnancy and the like, which are being carried out jointly with CCSS, the Ministry of Public Education and with non-governmental organizations;

(b) There should be occupational health programmes directed at the working minor, so that these children may become aware of their rights and exercise them and have adequate legal protection;

(c) The ethical codes of the Medical Association and of other health professionals with regard to professional secrecy should be examined since, although there is a decree which states that ill-treatment and physical and/or sexual abuse constitute an illness which must be reported, it would seem that these are not systematically declared, a series of minor abuses of which children are victims being ignored, with the result that the genuine magnitude of this serious problem is clearly underestimated;

(d) The Legislative Assembly should be urged to approve the bill on the breast-feeding substitutes code;

(e) Interdisciplinary work (public and private sectors) should be encouraged for the early detection of family risk factors and intersectoral teams should be set up in hospitals and schools, with non-governmental organizations and community groups, organized for the care and rehabilitation of abused and abandoned children and young people;

(f) There must be a 100% coverage of care for children with any degree of malnutrition, which can be secured through the administrative reorganization of the education and nutrition centres and the child-care centres, while special attention must also be paid to pregnant or breast-feeding mothers who are in danger of malnutrition;

(g) Primary health care must be modernized and adapted to respond to the epidemiological reality, particularly in the most affected or risk-prone geographical areas. Special attention must be paid to the crucial moments in human life (conception, prenatal care, delivery and childbirth) and to the care of children. Integral care for babies, preschool children, adolescents and women must continue; and

(h) The programmes and their budgets must be reviewed and resources redirected to priority or strategic programmes. When allocating resources, regional differences should be taken into account. There must be a reinforcement of the educational campaigns on preventive health, sexuality, nutrition, family planning, the rights of the child, personal hygiene, periodic examinations of the healthy child, prenatal care and the redistribution of functions in the family.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

243. We are able to state that some very important progress has been made over the last two years with respect to the principal legislative, judicial and administrative measures in force or foreseen and on major activities, future priorities and limitations in connection with the articles related to this subject.

244. In this chapter, we shall deal with the following articles: education, including general and vocational education (art. 28), the aims of education (art. 29) and rest, leisure and recreational activities (art. 31).

A. Principal legislative, judicial and administrative measures in force or foreseen

245. In the legislative field, a bill was submitted in 1992 known as "a talent in every child", which is based on the Fundamental Education Act and whose purpose is to offer to every Costa Rican citizen a full flowering of his or her personality. The objective of this bill is to enable every child to receive an education adapted to his or her needs and potential so that he or she can become a productive being from his or her own point of view and from that of the collectivity.

246. It has frequently been stated that the Costa Rican educational system gives priority to traditional subjects without attaching much importance to a series of elements relating to artistic creativity, individual creativity or freedom to choose certain technical or handicraft activities. In this connection, it is reported that the present educational system promptly excludes young people who have not satisfactory academic results - children and adolescents who have other skills or who might be induced to engage in study and personal development in other areas that have not yet been included in the school curriculum.

247. This bill proposes that, as the child advances in his education in a well-balanced way, areas of interest or talent should be gradually identified, with the involvement of the family and the community, in such a way that school, family and community jointly promote the development and creative and productive integration of these young people.

248. It also proposes that even-handed attention should be paid to the various individuals through an integral development of each and every one of the pupils at every different level.

249. Another bill submitted to the Legislative Assembly is one to amend article 78 of the Constitution so that preschool education and general basic education would be compulsory, that both these and diversified education would be free of charge and paid for by the nation, and that scholarships and assistance to continue higher studies would be given to persons lacking economic resources. This amendment is being considered by the Social Affairs Committee.

Article 28

250. With respect to article 28 on the right to education, the Ministry of Public Education reports that, in 1990-1992, a readjustment was made of daytime and evening educational services of a diversified academic kind, and of technical, industrial, commercial and agricultural education, and that artistic guidance programmes have been worked out and approved for all levels of basic general and diversified education.

251. A series of projects have been formulated to improve the integral quality of education, with the assistance of international cooperation: the multinational basic education project, preschool education, special education, drug-prevention and incorporation of parents in the educational process for the human development of children and young people. In coordination with

IMAS, various alternative ways have been adopted of supporting children in particularly difficult circumstances: teaching of reading and writing and care for handicapped children and the children of working mothers. An example is the community homes programme already mentioned.

252. According to the Constitution, every child has the right to education, that at the preschool, primary and secondary levels being free. The primary level at any rate is compulsory.

253. The Government has endeavoured to prevent dropping out from basic education through the supply of scholarships, equipment, uniforms and subsidized transport for secondary school pupils, and the budget allocations for these purposes have been significantly increased in the last two years. In addition, the school dinners programme, which functions in almost 90% of the schools, and through which a nutritional supplement is offered, has encouraged pupils to remain in school.

254. At the moment, the possibility is being discussed of using resources from the Social Development and Family Allowances Fund to grant school vouchers to families in situations of extreme poverty. The Popular and Communal Development Bank introduced in 1991 a programme of credit for the purchase of school equipment and materials on very favourable conditions, and the programme has been very successfully applied by some cooperatives existing at the national level.

255. For its part, IMAS has an ongoing scholarship programme for school-age children and is financing courses in marginal areas through the people's workshops of the National Apprenticeship Institute (INA). These two programmes, which have been strongly supported, have significantly increased the economic resources directed to children, improving the cover and the amounts of the scholarships so that the children of poor families can continue to attend school regularly or rendering possible the technical training of young people of an appropriate age by attendance at the INA courses.

256. The Fundación Ay·denos para Ayudar has established the "top students" competition which is organized every year at the national level for the exclusive purpose of properly recognizing the efforts and academic achievements of Costa Rican children and young people. This competition is open to pupils of official primary and secondary schools, semi-official schools, private schools, special education centres and vocational training centres. It is organized by officials of the Ministry of Public Education, the wives of ministers and the members of the Foundation itself, each of whom is given a specific task. So far, there have been three allocations of prizes, each of which has been very successful.

Article 29

257. With respect to article 29 on the objectives of education, we are informed that, in 1991, various new subjects were introduced into the school curriculum such as: values, education for living in a democracy, the integral quality of education and formal and informal educational opportunities. In addition, the 1990-1994 curricular policy and general education plan were published.

258. In connection with this article, we are informed that the education of the child is directed towards developing his or her personality and aptitudes

and instilling in the child respect for human rights, freedoms and fundamental principles.

259. Likewise, stress is laid on the respect that must be paid to parents and to the child's own cultural identity, language and national values. These principles are taken up in a much more detailed way in the new minors' code which, as we have said, is at present before the Legislative Assembly.

260. For its part, the National Children's Trust (PANI) reports that it has requested the Ministry of Public Education to include teaching of the rights of the child in preschool, primary and secondary education, using various audiovisual methods.

Article 31

261. In connection with article 31 on the right to rest, leisure and cultural activities, pride of place must be given to the programme recently put into effect by the Ministry of Culture, Youth and Sport, with the participation of the National Youth Movement and other organized community groups.

262. In the period 1990-1992, 118 activities were carried out in the recreational, cultural and sporting area, with the participation of 17,745 young people.

263. The above has been achieved through the voluntary work programme, more particularly the project for the conservation of renewable resources, with activities such as voluntary work in the national parks, cleaning beaches, the communal adornment days and the reafforestation campaigns. Work has also been done on the construction of sports installations, communal halls and children's playgrounds.

264. As part of the activities to implement this article, we have the programmes promoted by the Fundación Ay·denos para Ayudar such as the "jump for your life" programme. Following an initiative by the First Lady, the American Alliance for Health organization was approached with the proposal to bring to the country a team of skipping trainers and young skipping experts. The purpose of this activity was to revive one of the traditional games best known to our people, namely, jumping over a rope or skipping. A tour was organized through the various provinces of the country to give demonstrations in the main gymnasiums of the communities selected and it was arranged with the Ministry of Public Education that teachers and primary and secondary schoolchildren would be given the opportunity of attending, but above all of taking part in, the exhibitions. The tour was a great success in all the places it visited and both pupils and teachers responded positively and enthusiastically.

265. Once the tour was over, the Foundation, in cooperation with the University of Costa Rica, prepared a project to establish an educational programme for inclusion in the physical education curriculum through the Ministry of Public Education. Within this programme, it is hoped to establish a team of trainers made up of physical education teachers and an exhibition team consisting of children and to arrange an interchange of professionals in this field to enrich the national programme.

266. The Foundation has also introduced the "Let's give a book" programme. Its aim is to provide every school which so requests with a package of books and teaching material. To that end, a national collection of second-hand

books was organized in the various communities and the pupils who wanted to attend the demonstrations of the skipping experts were asked to donate a book on entry. A technical team made up of officials of the Ministry of Public Education and members of the Foundation was established to classify the material collected. Contributions of books that were particularly needed were also requested. This activity was coordinated with the Ministry of Public Education, the National Youth Movement, the Boy Scouts, the Lions Clubs of Costa Rica and the wives of the ministers.

267. Within this component, a project has been designed and is being executed for a Costa Rican Centre for Science and Culture, the motto of which is "If we teach the child, we shall not have to punish the man". This project, which was launched on the initiative of the Government of the Republic, more specifically of the First Lady of the Republic, is being executed with the participation inter alia of the Ministries of Science and Technology, Culture, Youth and Sports, Public Works and Transport, Public Education and Justice. The project is being implemented by the Fundación Ay·denos para Ayudar. The object of the project is to establish the Costa Rican Centre for Science and Culture on the site and in the premises of the old Central Prison of San José, an historical and architectural monument, which was built in 1905.

268. The Centre will stimulate learning in a participatory, interactive and recreational way in the interests of an integral development of the individual. Thus the visitor will have the possibility, in an informally educational way, to investigate, discover, create and evaluate culture. The Centre will try to go beyond the transmission of knowledge and develop a critical and analytical attitude, which is fundamental for the generation of knowledge and for the progress of culture and society.

269. To develop and execute this project, an Executive Board has been set up consisting of officials of public institutions, under the direction of the Fundación Ay·denos para Ayudar, divided into the following sections:

(a) Contents sector: this is responsible for the orientation of the museography, comprising the pedagogical, psychological and didactic aspects;

(b) Philosophical foundations of the project: this will plan, design and programme the various activities and projects to be developed in the Centre, such as exhibitions, demonstrations and workshops;

(c) Administrative sector: this is responsible for working out the financing mechanisms for the project activities, the system of technical cooperation, the administration of resources and the preparation of budgets; and

(d) Architectonic and constructional sector: this covers the planning, design and tendering; it will supervise the building and inspect the work and also develop the architectonic programme.

270. The Centre will achieve its objectives through the development of multiple participatory and inter-active activities, such as: exhibitions, workshops, talks and demonstrations, scientific and cultural activities, libraries, shows and guided visits for school groups and the public in general.

271. In fact, this project is more than just a project; with it, the Government of the Republic and Costa Rican society are facing up to their

responsibility to offer the boys and girls better opportunities to learn and to grow, in "peace and liberty".

272. Lastly, the Ministry of Culture, Youth and Sports has been promoting the introduction of four kinds of games, especially directed at schoolchildren in the first and second cycles: directed and applied games, free games, acted story lessons and popular or old games.

273. This programme is aimed at linking physical education to tradition by converting it into a habit, interesting the general public in physical education as part of the popular heritage, encouraging the participation and interest of adults in the physical education of the children and contributing to family school integration. Likewise, it is endeavouring to facilitate the collective practice of physical education, particularly in rural areas.

274. The inclusion of popular games represents, on the one hand, the selection of those games that are accompanied by songs and rhythmic movements and, on the other, those that are based on walking, jumping obstacles, relays and the like. The practice of sports and similar games makes it possible to instil at an early age moral values such as discipline, respect, cooperation, striving to excel, tolerance, companionship, honesty and the team spirit, which facilitate social integration, help strengthen the family nucleus and gives the child healthy ways of using his free time in beneficial activities.

B. Institutional difficulties and limitations

275. The crisis has had its effect on education, basically in two ways: (a) the need for new alternative methods of formation and training to consolidate the new development model, and (b) the reduction in the financial resources allocated to the sector.

276. Per capita expenditure on education in 1989 was, in constant colones, 58% of what it had been in 1980. The national budget dedicated 36.8% of the total to education in 1980 and 31.8% in 1989. In terms of GDP, it fell from 8% to about 6.4%.

277. There is an imbalance in the allocation of resources to the various educational levels: of the Ministry's corresponding budget (1989), 35% was allocated to higher education (75,000 students), 36% to primary education, first and second cycles (481,843 pupils), 13.9% to third-cycle teaching and academic diversification (127,923 pupils), 6.8% to technical education (26,408 students) and 1.4% to special teaching (7,818 students).

278. The coverage of the educational centres has been increased but many of the schools need urgent repairs. To the concern regarding the quality of the educational services must be added an estimated deficit of 5,000 qualified teachers in primary and secondary education.

279. According to a 1989 study, the direct annual cost of a primary school pupil (C13,653) was about one-tenth that of a university student (C125,259).

280. The attention given to children between 0 and 6 years of age is defective and inadequate. The coverage of the formal educational services for children of 3 to 5 years of age is 14%, most of which is concentrated in the towns.

281. In 1990, preschool education coverage (children of 6 and 7 years' old) was 62%, which is generally unsatisfactory and particularly so in the rural areas.

282. In primary education (first and second cycles), the 102% coverage reveals the admission of over-age pupils and the phenomenon of repeating years. The average period of stay in the two primary cycles is 8 years. In 1989, one out of every five pupils in the first grade had to repeat the year.

283. Diversified education reached 37% of the target population. Of every 7 pupils, one was deferred and one dropped out of the system. The high level of drop-outs in secondary education (15%) is disturbing.

284. Despite the efforts made to date, the limitations and inflexibility of the educational system have made it difficult to respond to the training needs for productive activity, which requires human resources of quality and increasing yields. This results in unemployment, underemployment, low wages and labour instability, phenomena which have an impact mainly upon young people and women, for whom different working opportunities have to be created, as has been set out in the national programme for the productive social sector.

285. Owing to a lack of clear criteria as to what it is and who requires it, there is very little information about special education. It is known that it serves a very small number of minors. There are 608 persons working in the special education centres, 454 of whom are teachers, a staff which is inadequate to attend to the needs of that type of education.

286. It is statistically estimated that, throughout the country, there are 99,000 handicapped children. However, a study carried out in Nicoya revealed that 22.6% of the child population might suffer from handicaps. The specialized educational services are at present caring for only 3 to 4% of these.

287. In 1983, the Costa Rican State assumed responsibility for the country's recreation, through the Recreation Division of the General Directorate of Sports, among whose programmes are working games and special games.

288 It is necessary to stress that the poorest and most marginal people are those who are being left behind by change. Children, young people and women of all social strata and in all geographical areas are suffering from common problems, but these always hit the poor the hardest. It is the poor who suffer most from nutritional, educational and recreational deficiencies, and this compromises their future, their socio-vocational options and their possibilities of social mobility, thus constituting an effective means of perpetuating poverty.

C. Priorities for implementing the said articles

289. If we accept that poverty is one of the factors that cause children to drop out of education, priority must be given to more aggressive policies to improve the incomes of the families with the lowest resources, so that young people are not obliged to go out to work prematurely as a means of family survival:

(a) The sphere of action of the youth policies must be extended so that they make an effective contribution to the integration of young people and their participation in the development of society;

(b) Educational experiences must be consolidated to adapt them to the world of work by promoting non-traditional jobs and occupations; and

(c) Non-traditional programmes must be designed, with the participation of non-governmental organizations, foundations and non-profit-making voluntary associations, to extend the care of children under 6 years of age and handicapped children of all kinds. We are referring, in particular, to programmes such as the community homes as a viable alternative for giving better and greater attention to these children.

290. Within the context of the problems raised, it is essential that the Legislative Assembly should approve the sectoral education loans bill, whereby it would be possible to improve the educational installations, increase the number of teachers, improve the quality of the thousands of teachers who lack the appropriate academic requirements, prepare new and modern schoolbooks, and thus improve the quality of basic general education.

291. It is likewise essential to establish working procedures which guarantee inter-institutional and intersectoral cross-fertilization between State bodies and non-governmental organizations for the purpose of improving knowledge of the facts, acting to modify them in good time, optimizing results and preventing overlapping and the dispersion of resources and efforts. That suggests that certain bodies should specialize in the supply of particular services and that the Ministry of Public Education should be more a regulator than an executor in the case of activities that are complementary to governmental responsibility, which could remain in the hands of organized groups that are technically qualified to execute them. We may quote as an example the type of educational and training work being done by the Fundación PANIAMOR (see infra, paras. 310-312) and other organizations that exist at the national or regional levels.

292. It has likewise been suggested for the short term that formal and informal flexible and creative educational opportunities be established which guarantee the access of all children to and their successful stay in basic general education, that existing procedures be improved so as to achieve an efficient and timely integration of families and of the community in general with the schools and that the services supplied in them be made more efficient.

293. Although both the Ministry of Health and the Ministry of Public Education are making considerable efforts in the area of education for health, there is no national school health programme and it is thus urgent to prepare such a programme which will tackle the subject in an integral way (physical, psychological and social aspects), will be ongoing and will integrate the various efforts being made in the educational centres. The programme would include themes such as highway code education, mouth and dental health, prevention of the use of drugs, prevention of ill-treatment, aesthetic improvement, civic safety, reproductive health, education on population etc., in such a way that these subjects are no longer seen as isolated elements but form part of an integral whole within the process of training the children and young people, the future fathers and mothers of Costa Rica.

294. It is necessary to strengthen the development of compensatory social programmes so as to comply with the principle of equal conditions and opportunities for all children, guaranteeing their stay in education and their effective completion of general basic studies.

295. In the context of education for children with limitations or special conditions, it is recommended that a national special education plan be devised as soon as possible and this implies a review and analysis of the contents of the curriculum. The educational opportunities for these children must be broadened through active teaching techniques and practices linked with the factual situation and with the particular needs of this section of the population. In addition, it is necessary to increase in a realistic way the participation of the family and the community so that these children can be effectively integrated into the life of society.

IX. SPECIAL PROTECTION MEASURES

296. This chapter will supply information on the principal legislative, judicial and administrative measures in force or foreseen, institutional difficulties and limitations and the priorities for implementing the objectives of caring for children in exceptional situations, in accordance with the following articles of the Convention on the Rights of the Child: refugee children (art. 22), the administration of juvenile justice (art. 40), children in situations of economic exploitation, including child labour (art. 32), drug abuse (art. 33), sexual exploitation and sexual abuse (art. 34), other forms of exploitation (art. 36), and children belonging to a minority or an indigenous group (art. 30).

A. Principal legislative, judicial and administrative measures in force or foreseen

Article 22

297. With respect to article 22 on the rights of refugee children, the Directorate-General for Refugee Protection and Assistance reports that, in accordance with the line of action proposed by the Government of Costa Rica in the framework of the International Conference on Central American Refugees (CIREFCA), the central objective has been adopted of resolving the problems of the displaced persons who still remain in the territory of Costa Rica through their gradual and planned integration by means of adequate machinery in the country's economic and social plan in harmony with the National Development Plan and the National Plan of Action for the Human Development of Children and Youth.

298. Taking into account these general guidelines and the legislation in force, the Government of the Republic, with international cooperation, has reacted to a series of social, economic and infrastructural problems affecting the refugee population and poor Costa Ricans by carrying out a number of programmes, with emphasis on the care of refugee children, the aim being to improve their quality of life and that of their families.

299. To this end, the Government has managed on behalf of the international community assistance in an amount of more than 561 million colones, with which projects have been initiated in various areas, namely,

(a) Housing: Upgrading and construction of residential units, designed to give the refugee families decent housing. More than 200 children have benefited from this project to date and now enjoy a solid roof;

(b) Nurseries: In order to incorporate the women into national productive activity and enable the children to enjoy security in which they can develop their skills and abilities, various premises have been built or reconstructed in the national territory in which children can enjoy basic health and dental services, have their meals, and engage in recreation and stimulation. The nurseries have been established in the areas with the greatest concentration of refugees, some in rural areas but mainly in the greater metropolitan area. The children benefiting from this programme number 1,613.

(c) Mini-aqueducts: In order to satisfy the main needs of the children in the field of health, mini-aqueducts have been constructed in the rural areas. These, together with clinics and the remodelling of health posts, will make it possible for more than 17,000 children to be assured of a better quality of life.

(d) Schools: To supplement those activities, more than 60 schools have been built and remodelled, thereby enabling approximately 1,000 children to have access to primary education and opening for them a road to the future. Under this heading, children have been helped with equipment, uniforms and subsidized transport. Jobs have also been generated, so that the Nicaraguan families can be integrated into the national economy in a planned manner and in equal circumstances through various productive projects. In this way, their children are guaranteed satisfaction of their basic needs.

300. Through the interrelationship of the various projects for refugees and low-income Costa Ricans, it has been possible to assist 32,154 children, thus fully complying with international obligations and the democratic principles of providing equal chances for all.

Article 40

301. In connection with article 40 on the administration of juvenile justice, the Office for the Defence of Children has, in conjunction with other State bodies, been sponsoring an ongoing process since 1990 to train members of the police force in the subject of children's rights, thus securing an improved occupational profile of the police in connection with its handling of minors. In this way, a national training course on children's rights was held for 60 police officials of the Ministry of the Interior and Security and the Ministry of Police, a programme that it is hoped to extend to a greater number of authorities at the national level.

302. In 1992, an "Integral Care System for Juveniles in Conflict with the Law" was established. This System, which is under the Ministry of Justice, is a replacement for the old National Directorate for the Prevention of Delinquency. The System has a entry and reference centre, a community care programme and two institutional care centres (one for males and the other for females).

303. The team of professionals and technicians working for this System has designed and put into effect training programmes for volunteer community promoters who collaborate in the prevention of delinquency on the part of minors. In addition, actions and measures have been initiated to:

(a) Design and implement ongoing training courses for officials on the protection and care of minors who have broken the law;

(b) Formulate a policy and new procedures for the institutionalization of minors by the courts in four provinces;

(c) Design and put into effect a permanent system of information on the number of persons being handled in all the units of the System;

(d) Design and offer training courses on the national and international standards for handling children and young people in conflict with the law, so that services can be adapted;

(e) Offer training courses to the staff of the System on unconventional ways and means of handling adolescents in conflict with the law;

(f) Structure programmes for the care of young offenders by means of measures other than deprivation of freedom; and

(g) Review the model of institutional care and its institutional and semi-institutional structure.

Articles 34 and 39

304. With respect to article 34 on sexual exploitation and sexual abuse and article 39 on the taking of appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, abuse or torture or any other form of cruel, inhuman or degrading treatment or punishment, the institutions consulted report the following activities, which are directed mainly to preventive aspects.

305. In the first place, the Ministry of Public Education states that, through the teachers, full cooperation has been given for the recovery and integration of an abused child and that close relationship is maintained with the organizations responsible for the protection of children such as the National Children's Hospital and the National Children's Trust (PANI). These organizations inform the teachers of the situation of the child and the latter are then able to give such children greater support, offering them more direct attention and remaining alert to their reactions during lessons.

306. Likewise, they report that they have cooperated with the Fundación PANIAMOR to hold training workshops for educators on ways of preventing any form of ill-treatment, abandonment or exploitation and of caring for the children victims of such practices.

307. Guides for the prevention of sexual abuse have been prepared for the use of teachers responsible for preschool education and the first cycle of basic general education which are applied with the support of the counsellors who work in the various teaching centres.

308. In addition, a module has been designed on the prevention of the ill-treatment of children with special needs, known by the name of "Strong and competent", which has been brought to the attention of the special education teachers through guided workshops.

309. A National Educational Commission on the Prevention of the Physical and Sexual Abuse of Minors has been set up and a module prepared for the prevention of abuse, called "Growing in freedom", which includes subjects such as communication, approaches to the parents and building up the self-esteem of the minors. Lastly, it is reported that a pilot plan is being formulated to be entitled "Teachers, guardians for the prevention of abuse".

310. On the other hand, the Fundación PANIAMOR, a private organization established in 1987 to watch over the welfare of Costa Rican children and families, provides counselling, training and information through coordinated services for the purpose of preventing the abuse of children and family violence. It also promotes respect for the rights of the child and is developing national awareness of this duty of all citizens.

311. The Foundation sets its preventive work in a framework of community orientation which conceptualizes the abuse of children, in all its manifestations - physical, sexual, emotional, neglect and abandonment - as a priority problem of public health which has many dimensions and causes and whose prevention and tackling require social mobilization and intersectoral work. The Fundación PANIAMOR recognizes that the effectiveness of its efforts depends on the coordination and cohesion of all social sectors as a subsystem of support for children and adolescents and the involvement of private individuals as agents to prevent interpersonal violence affecting minors.

312. On the basis of these general concepts, the Foundation has been developing a series of activities which will be briefly summarized here:

(a) The PAN (Prevention of Child Abuse) programme (1988 to date) is an endeavour in the field of primary prevention which instructs minors how to recognize and to handle successfully potential abuse situations. It is also a secondary prevention programme in that it renders it easier for children to reveal situations of ill-treatment and to receive early support; in general, it is a programme directed to helping children develop skills for their protection. The PAN programme offers parents information concerning ill-treatment in general, teaches them how to discipline and impose limits on their children without ill-treating them and how to handle and prevent potential situations of abuse. It explains to teachers, health professionals, legal officials and the community in general how to incorporate the programme in their regular working systems, trains them to detect abuse situations and to guide the behaviour of the children and offers them information as to how they should intervene in cases of children who are victims of abuse and the care and reference services to which they can appeal if the case so requires. The components of the PAN programme are as follows:

(i) Campaigns: mass-media communication for the general public (Honourable Press Mention - UNICEF, Costa Rica, 1989);

(ii) Safe, strong and free: for children in the primary schools, health centres and nurseries, and the adults responsible for them;

(iii) Strong and competent: this part of the programme was developed in coordination with the Minister of Public Education and is aimed at children with special needs and the adults who take care of them, since there is a greater prevalence of ill-treatment in the case of these children than in the general child population;

(iv) Justice for children: this works at training officials of the legal system to handle adequately criminal cases of children who have been victims of physical and sexual abuse. The aim of this programme is to ensure that children do not become victims once again in the legal process and thus to strengthen the administration of justice;

(v) In defence of the child and his or her family: this programme consists in incorporating the contents of PAN into the regular programme of the catechists of the Catholic Church;

(vi) Growing in freedom: this includes a series of activities designed to strengthen the self-esteem of adolescents, while at the same time training them to recognize and face up to situations of abuse and to create support subsystems among parents;

(vii) Community: the emphasis here is on the promotion of self-sufficient community programmes to prevent abuse, using the community's own resources and in accordance with its specific needs; and

(viii) PAVAS: Pavas is a community in the western part of San José which has many social problems and a high prevalence of abuse; the Fundación PANIAMOR has a pilot project here which consists in developing over five years an integral approach for the prevention of abuse.

(b) Centro Internacional de Información y Capacitación por el Bienestar y los Derechos del Niño (PRONIÑO) (1992). With this programme, PANIAMOR transcends the field of interpersonal violence and enters into that of the prevention of social violence against children, encouraging research based on an interchange among countries and generations and the recognition of the child as a subject of rights vis-a-vis the system. The Centre has as its objectives:

(i) To supply technical assistance and training to national and foreign persons and institutions working with children;

(ii) To compile and distribute information on the development and welfare of and social justice for children; and

(iii) To produce and distribute educational material in support of child welfare.

313. In this area of prevention, there is also the Asociación del Niño Agredido de San Sebastián which was established in 1989, the year in which the members of the Association attended training courses on the prevention of abuse and the treatment of abused children. The Association came into being in the San Sebastißn District, an urban community that has suffered a whole series of economic problems and problems of social and family breakdown. Among these problems, the abuse of children has become a priority concern since, according to some partial statistics from groups that are developing care programmes in the community, the incidence of the various forms of abuse has been increasing in recent years.

314. Awareness of this situation and the death of a six-year-old boy named Venancio, who was raped and murdered by his stepfather (a crime which shocked

the community and the country as a whole), motivated the local parish priest and a group of other persons in the District to take the initiative of working as an organized group for the prevention of child abuse.

315. In this way, systematic work began on the prevention and primary treatment of the abuse of boys and girls. In 1990, eight workshops on the prevention of child abuse were held, directed to schoolchildren of the sixth grade, in which 280 such children participated. In the same year, work was begun by an interdisciplinary group made up of social workers, psychologists, teachers and lawyers for the purpose of looking into the cases reported.

316. In 1991, training workshops were offered to a total of 300 children and support was given to the principals and teachers of the schools and colleges in the District on ways of detecting and channelling cases of aggression inside each institution.

317. There were three special cases which caught the attention of the Association, one in a school in the community, another in a college in the community and the third in a school in the centre of San José.

318. The first resulted from a report by the school principal of a serious situation which involved a large number of boys and girls with problems of aggression, abuse, drug-addiction and so forth. The school administration received the support of the Association and worked with it on a number of individual cases and with the parents in general. There was also cooperation from the Office for the Defence of Children.

319. The second case, in one of the colleges of the community, necessitated the intervention of the Association which reported a serious incident of perversion of minors (adolescents) by an administrative official of the college. Legal proceedings are still continuing. In this case, it was necessary to mobilize and organize the parents to prevent the official from returning to his work in the college as the result of a decision in his favour in Division IV. Finally, the official in question was transferred to one of the central offices of the Ministry of Public Education. The Association and the parents' organization are continuing to monitor the progress of the case.

320. The third case involved the headmaster of a school in the centre of San José, who was reported to the courts for indecent assaults on various girls studying in the institution. The legal complaint was made through the intervention of the Association which also worked with the girls and with the parents who were representing them. In addition, the Association, in the person of the chairman of its governing body, lodged an application for amparo with the Constitutional Division, because the statement by one of the minors was not accepted in view of the fact that it was not supported by her parents. The application was accepted for examination and the decision of Division IV is pending. Likewise, the outcome of the legal proceedings in the case in question is also awaited.

321. As well as these cases which have been described as special, reports were received in the period of a total of 37 cases of various kinds: physical aggression and negligence (60%), sexual abuse (27%) and aggressive behaviour of boys and girls towards their parents (13%).

322. About 75% of the cases analysed were referred to various institutions: National Children's Trust (PANI), Department of Social Work and the Adolescents Clinic of the National Children's Hospital. Some mothers of

families were referred to the programme "Woman, you are not alone" and to the Office for the Defence of Women. The remaining cases were resolved through the direct intervention of the members of the Association charged with dealing with them.

323. In 1992, in the area of prevention and training, a workshop was held for 37 teachers of the Republic of Haïti School, who had expressed the need to tackle the subject of violence against children, in view of the conditions of some of the pupils in the school. At the workshop, the establishment of an orientation committee was decided, whose members are being trained to enable them to deal with the various cases of assault that occur. The Association has established a continuous counselling and communication operation with the said committee.

324. It has also coordinated some training activities with the child assault committee which has begun work in the Central School of San Sebastißn and has taken part in a training workshop for teachers organized at that school by the Fundación PANIAMOR.

325. Along the same lines, at the request of certain communities, talks have been offered on the subject in Ciudadela 15 de Setiembre, Calle Blancos de Goicoechea and Escaz· and specific counselling in the Palmares Central School. Activities of this kind are intended to make the communities aware of the process of the development of this Association so that they can consider communal and local organization as an option for the prevention of the abuse and ill-treatment of children.

326. By agreement with the Ministry of Health, physical and/or sexual abuse was decreed in September 1989 to be an illness which must be reported (Executive Decree No. 19161). However, information is unfortunately not supplied officially and regularly. Current statistics concerning these subjects are extremely limited and it is estimated that only one case in every five that occur is reported.

327. The Integral Commission for the Care of the Ill-treated Child was set up in 1990 and has since been working on the preparation of standards for the prevention, treatment and recovery of abused boys and girls. It has not been possible to know the results of the application of these standards.

328. Promoted by the President of the Republic and supported by the Ministry of Public Education and IMAS, an election process was held at the national level in which some 400,000 schoolchildren of the first and second cycle participated. In this process, the children of Costa Rica made it clear that the main rights which should be promoted and respected by national society were those of articles 34 and 39, and this reveals the enormous importance of these articles for our children and the seriousness of failure to respect them.

329. According to statistics supplied by the National Children's Trust (PANI), in the second half of 1991 alone, 4,171 minors were rescued as abandoned, 16% of whom were under one-year-old. With regard to ill-treatment (physical, sexual and psychological), PANI reports having assisted a total of 2,085 minors during the same period. According to these data, 72% of the cases related to physical ill-treatment, 25% to sexual abuse and 3% to psychological assault. When we break down the sexual ill-treatment, we find that 75% of the cases affected girls and that 18% of these were younger than one-year-old.

330. These data permit us to conclude that every eight hours, a child is sexually abused, bearing in mind that this applies to the cases that are reported. We must therefore conclude that, in actual fact, this is a serious problem whose prevention should be tackled as an urgent matter and in the solution of which the entire citizenship should participate and not solely two or three public or non-governmental institutions.

331. In addition, we may point out that 33% of the sexual ill-treatment affected children under 5 years of age, 64% of them being girls. Of the total number of minors treated for the three forms of ill-treatment mentioned above, 56% were girls. This is a highly disturbing and sad situation, in a country in which there is a Genuine Social Equality of Women Act, one of the aims of which is to putt an end to discrimination. This is a clear demonstration that the attitude towards women is still undoubtedly discriminatory.

Article 32

332. As for article 32 on the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with his or her education, details were supplied above, in chapter II, when definitions were given of the child in accordance with the national legislation in force, of the conditions in which a person of minor age is entitled to work. The degree of difficulty encountered in applying these rules was also mentioned.

333. According to the institutions involved in this field, the Costa Rican problem is not one of the absence of legislation but of a limited capacity or lack of procedures to ensure its application.

334. Data supplied by the Ministry of Labour indicate that approximately 18% of the economically-active population consists of persons under 18 years of age, which represents approximately 130,000 minors. In this connection, the National Children's Trust (PANI), the entity responsible for granting permits for work by minors, reports that, during the second half of 1991, 22,882 permits to work were granted to minors from 12 to 17 years of age. During the first half of 1992, 31,292 permits were issued, an increase of 37% on the previous half year. The provinces reporting a major increase in minors with work permits are: Limón with an increase of 109%, Guanacaste with a 44% increase and San José with an increase of 40%.

Article 36

335. In connection with article 36 which states that "States parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare", we have thought it convenient to give some information concerning child workers and what has been done with regard to them with the participation of various State and non-governmental institutions.

336. In close cooperation between the National Children's Trust (PANI) and the Ministries of Health and Education, with the support of UNICEF and Ministry of Culture, Youth and Sports, a programme was designed and executed entitled "School adapted to the child working in the street". This was formulated in 1989 and redefined in 1991. It is directed to children and adolescents at social risk and working minors without fixed workplaces. The programme has components in the area of development, health, nutrition, vocational training, basic education and generation of employment. In 1990,

56 minors were registered and, at the moment, it is catering for a total of 250 minors between 7 and 17 years of age.

337. The educational contents have been adapted to the areas of interest of the minors and to the economic activities they are carrying out, so that they are much more attractive than the traditional contents. Lessons are given with a flexible timetable adapted to the possibilities or preferences of the minors themselves. In addition to these training aspects, there are also recreational and cultural activities which take place on premises made available by the Ministry of Culture, Youth and Sports.

338. For its part, the Ministry of Health is supplying medical care to these minors. This experiment began in the central canton of San José and was then extended to Puntarenas, Cartago and Liberia and, in the course of 1992, an attempt was made to extend it to other cantons in which there is a high presence of working children without fixed workplaces.

339. One of the problems encountered among the working children is the limited knowledge they have of their rights, such as that to be registered by their employer in the Costa Rican Social Security Scheme (CCSS), the minimum wages in force and the working hours and other conditions and regulations which guarantee their security and occupational health.

340. The existence of greater problems is recognized, however, in the case of those minors who work in the informal sector, where inspections are totally non-existent, this being a field in which there is neither information nor research to identify the areas of greater risk and direct greater efforts towards them.

341. The Fundación Niños en Nuestras Manos, established in 1989, has among its objectives to create, promote and support training and work organization programmes directed to children and young workers as an alternative which enables them to improve the quality and condition of their lives.

342. In this connection, it has designed the "Horizons" programme which has been put into effect in the metropolitan area and in Limón, whereby approximately 300 young workers (boys and girls between 12 and 16 years of age) have been offered an alternative form of organization and insertion into the area of production in conditions that are dignified, safe and in accordance with the needs and personal and family expectations. In addition, it encourages the active participation of the young person in his or her personal improvement, through a process of integral and technical training, as a result of the establishment of institutional public and private training agreements.

343. In San José, the programme defines three work areas which consist of: (a) selection, organization and informal training of small groups of minors; (b) putting these small groups to work, running sweetshop kiosks, which are given an initial working capital; and (c) establishment of programmes and agreements for technical training. This programme has been operating for four months as a pilot experiment and is now in the stage of assessment and re-exposition.

344. In Limón, the programme defines five work areas which consist of: (a) an open centre for working minors, (b) putting children and young people to work running a soda-fountain/ice-cream parlour, (c) searching for other employment alternatives, (d) establishment of programmes and agreements for

the technical training and organization of small working groups, and (e) development and execution of prevention activities with children and their families.

345. The basic incomes to finance these projects are obtained from the recycling programme and from international financial support.

346. On the other hand, the Foundation has, since 1989, been developing the national programme for the collection of solid wastes for recycling, through a methodological strategy which involves private enterprise, communal organizations and the Costa Rican population in general. This consists in collecting refuse materials (glass, aluminium) which are sold as raw materials to undertakings involved in the industrial production of new articles, for which purpose agreements have been established with Vidriera Centroamericana S.A. and Florida Ice and Farm Company.

347. To put this programme into effect, 375 collecting posts for such materials have been set up in the most important centres of population throughout the country. These posts consist of sets of five recipients identified by the colours green, amber, crystalline and aluminium.

348. Since 1989, this programme has generated the economic resources used by the Foundation to finance its activities in the area of recycling and also the projects aimed at minors. However, the high cost of both projects has made it necessary for the Foundation to seek funds and support from financing organizations in order to increase the coverage and achieve its objectives fully.

349. In view of the fact that the separation, classification and collection of solid wastes is a recent activity in Costa Rica, work is also being done on a process of education and changing of cultural habits for the purpose of informing the communities about the objectives of the programme.

350. To this end, publicity campaigns are being carried out in the mass media, together with popularization and training techniques, through which the population is being made aware of the importance of this kind of environmental conservation and the need for the active participation of all members of society.

Article 33

351. As regards article 33 on the illicit use of narcotic drugs, in addition to what was said in chapter V on civil rights and liberties, the Government has been making great efforts, basically with non-governmental organizations, on preventive measures. To this end, there is the DARE programme, which is carried out by a non-governmental organization in cooperation with the Ministry of Public Education.

352. According to the information supplied to us, a team of technicians or experts has been set up which has worked in 220 schools and has given courses to children aged between 10 and 12 years on such subjects as self-esteem, how to report abuses by adults and how to say no to drugs, as well as informing them of their rights and duties. Over a period of two years, they have trained 27,500 schoolchildren and the goal is to achieve a one hundred percent coverage of the children in that age-group.

353. In addition, we are informed that a project has been designed to establish in Costa Rica a training school for trainers in the rest of Latin America, in view of the success that the country has had in this respect.

354. For its part, the Executive Board of the National Children's Trust (PANI) has made various approaches to the Board of Governors of the Costa Rican Social Security Scheme (CCSS) and the Director of the National Children's Hospital for the purpose of treating adolescents intoxicated with drugs and alcohol, through an integral programme comprising both immediate attention and a follow-up to ensure the complete recovery and rehabilitation of the minor, whereas, at the moment, the medical emergency is treated but there is no systematic follow-up of these cases.

355. For its part, the Ministry of Public Education has approved the document "Preventive education contents and processes", which includes guidance for the prevention of the use of drugs and alcohol, and has incorporated it into the study programmes from the preschool level up to that of diversified education. Likewise, it has encouraged and established schoolchildren's committees and has provided training for teachers, regional advisers and counsellors to enable them to cooperate in preventing dependency on pharmaceutical substances in coordination with the Alcoholism and Drug-Addiction Institute, with which it has worked out a large quantity of teaching material which is being used at all education levels.

Article 30

356. Lastly, on the subject of article 30 on the rights of children belonging to minority or indigenous groups, various activities have been carried out which are specifically directed towards the indigenous groups.

357. The Legislative Assembly has recently approved an Act to grant identity cards to the various indigenous groups living in different parts of the country, as a means of guaranteeing their full rights and their access to a series of services, which had previously been forbidden to them because of their lack of identity cards.

358. The Ministry of Health informs us that it has recently begun a training programme for indigenous communal leaders so that they can supply health education to their communities. It is hoped that, in 1993, there will be a system of primary care with full communal participation, so as to secure more effective control of contagious diseases and a significant reduction in child mortality which, in these sectors of the population, is almost three times the national average.

359. For its part, the Ministry of Public Education informs us that, in accordance with the curricular policy which has been put into effect by the present administration, the traditions, religions, languages and ways of life particular to each community are respected. In this connection, primers of an experimental nature have been prepared in indigenous languages and decrees have been approved and implemented to strengthen bilingual education, whereby the mother-tongue can be used in any educational centres that request it. Lastly, work is reported on a curricular readaptation in the context of the indigenous communities, and on the appointment of indigenous teachers and supervisors for those communities.

B. Institutional difficulties or limitations

360. In this area, the limitations and problems that exist are legion and vary in accordance with the type of child in question. Poor children, who on account of their situation of economic and social privation have a greater degree of vulnerability, are marginalized by the assistance services and, through their reduced possibilities, are less likely to have a happy childhood; they are exposed to high social risk, not least because they are expected to enter the labour market at an early age, they are more vulnerable to ill-treatment and abandonment and have less possibility of developing their physical, cognitive, affective and social potential.

361. This situation is still worse in the rural areas, where three-quarters of the poverty-stricken families are to be found. There is no clear and certain information concerning the situation of these country children, whose groups include indigenous and black people.

362. We also have children in situations of abandonment or abuse who are defined as those who suffer occasionally or habitually from acts of physical, sexual or emotional violence, both in the family group to which they belong and in social institutions. Among these, there is a high level of aggression, together with work exploitation and a failure to satisfy their essential needs. There are also children that have entered custodial institutions for reasons such as declared abandonment or health problems or because they have violated the law, are in moral danger, or are in danger of sexual abuse, exploitation or other circumstances arising within the family group.

363. The specialists in these matters indicate that both the family and the minor himself are inclined to regard institutionalization as a process of outrageous persecution, rather than a protective action, because of the procedures that have traditionally been employed. Although more humane options and modern alternatives do exist, their coverage is unfortunately still very limited.

364. On the other hand, there are working minors who take on the roles of adults prematurely, with heavy responsibilities and obligations, in order to satisfy the needs of personal or family survival. In such a situation, the minor is much exposed to exploitation and violence, particularly if he or she is working in the informal sector.

365. In the case of minors working in the formal sector (12-18 years of age) with the permission of the National Children's Trust (PANI) at activities regulated by laws and codes, there is no guarantee that they actually enjoy the protection given by the current legislation. There are some 130,000 minors in these circumstances, of whom only 10.1% make social security contributions; about half of them do not receive any payment in cash and, of course, most of them have given up their studies prematurely.

366. In this field, also, the problems are legion, deriving essentially from the following facts:

(a) There is a lack of knowledge or a limited knowledge of the problem of abuse, assault or exploitation and its magnitude;

(b) There is no comprehension of the fact that the problem of ill-treatment in childhood and youth forms part of a wider and more complex

problem of social violence and of constant lack of respect by adults of the rights of the child;

(c) Quantitative research and analysis have been partial and fragmentary, without any effective attempt to carry out an integral, holistic and qualitative study on the subject of these minors;

(d) There is a lack of early-warning instruments of the ill-treatment of both girls and boys in urban and rural areas and in all strata of the national population, not just in the low-income groups on which some studies have concentrated;

(e) As a result of the above, physical chastisement is usually detected in hospitals, when the chastisement has been excessive and in some cases fatal; and

(f) Detecting psychological ill-treatment, and proving it, is even more difficult.

367. In fact, the list of problems and limitations connected with this chapter and in respect of children in a specially difficult situation is an extremely long one. In short, we may say that, although the country has gratifying indicators of health and education in general terms, together with very clear diagnoses of these two fields, not very much is known about the minor at social risk, this being a task which, in the years to come, the country in general should tackle as a matter of priority and make every effort to identify participatory procedures, since the solution of these problems is not the responsibility just of a few public and private bodies but of society at large.

C. Priorities for implementing the said articles

368. The following general measures are proposed:

(a) Obtaining a better knowledge of the effect of the violence exercised against children in terms of the damage to their physical and psychological potential and of ways in which Costa Rican society can respond to these situations;

(b) A guarantee by the State of integrated care of the minor in accordance with the provisions of the Convention on the Rights of the Child and article 51 of the Constitution;

(c) Rendering more humane and technically competent the programmes intended for minors, whether private, State or community, so that the higher interests of the child are protected as a first priority;

(d) Adjusting ordinary legislation concerning minors to the Convention on the Rights of the Child and the Constitution and strengthening it to respond to the economic, social, political and cultural situation of Costa Rican children;

(e) Developing ongoing monitoring and evaluation processes on the protection of minors;

(f) Involving the minor in the processes for improving awareness, thinking and inputs that are emerging from the National Plan of Action for the Human Development of Children and Youth;

(g) Guaranteeing sufficient economic support for the bodies that care for children in risk situations; and

(h) Prevailing upon the three powers of the Republic to commit themselves to providing the financial support and other resources needed to develop the Plan of Action.

369. As priorities in the short, medium and long term, the following goals are proposed:

(a) Preparation of a study on violence against children and its consequences and possible responses by public, private and community bodies;

(b) Establishment in 1993 of a national policy for the integral protection of children;

(c) Commencing in 1994, a reorganization and updating of ordinary legislation concerning children, in line with the Convention on the Rights of the Child and the Constitution;

(d) Initiation by the year 2000 of an integral health, education and employment programme for the benefit of children belonging to the Afro-Caribbean and indigenous sections of the population which will preserve their cultural identities;

(e) Establishment in 1994 of a national, regional and community programme, which will involve and organize the entire Costa Rican population. vis-a-vis natural disasters, with particular attention to children;

(f) Establishment in 1994 of an updated and ongoing information system to produce a register of the situation of children in Costa Rica; and

(g) By the year 2000, child-protection programmes should be operating in 75% of the impoverished areas.

370. These priorities will be worked out in greater detail in the childhood policy to be revealed to the general public of the country in December 1992.

X. FINAL NOTE

371. This document was prepared on the basis of reports submitted by:

The Ministry of Health, Department of Child and Adolescent Care
Ministry of Public Education, various sections and departments
National Children's Trust [Patronato Nacional de la Infancia] (PANI)
Mixed Social Assistance Institute [Instituto Mixto de Ayuda Social] (IMAS)
Directorate-General for Refugee Protection and Assistance
Adolescent Health Programme of the Costa Rican Social Security Scheme (CCSS)
Ministry of Justice, Integral Care System for Juveniles in Conflict with the Law
Ministry of Justice, Office for the Defence of Children

Legislative Assembly
Ministry of Culture, Youth and Sports, through the
National Youth Movement
Fundación Ay·denos para Ayudar
Fundación PANIAMOR
Fundación "Hogarcitos"
Asociación del Niño Agredido de San Sebastißn
KUKULA Project, Limsn
Fundación Niños en Nuestras Manos
Asociación de Damas Vicentinas
Specific contributions by Mr. Gonzalo Cubillo and Mr. Carlos Luis Redondo Gutiérrez

372. Use was also made of material available in MIDEPLAN, such as the social indicators, and in the National Plan of Action for the Human Development of Children and Young People.

373. The methodology adopted was to examine the practical implications of the 44 articles of the Convention on the Rights of the Child and to systematize the information supplied by the institutions and the non-governmental organizations on their various operations, placing it in the appropriate position according to each of the articles or paragraphs of the Convention.

374. The main limitation on this methodology was, we might mention, the fact that the information was not presented by the institutions in accordance with the General Guidelines regarding the form and content of initial reports to the submitted by States parties under article 44, paragraph 1(a) of the Convention (CRC/C/5). As a result, the present document has been unable to reflect all the work on behalf of children that Costa Rica has done over the last two years.

375. In addition, apart from the National Children's Trust (PANI), the institutions did not supply recent statistical data. Moreover, not all the institutions and non-governmental organizations active in the various fields touched upon are included in the list (Ministry of the Interior and Security, Office for the Defence of the Family, Office for the Defence of Women, etc.).

ANNEXES*

I. Acts

II. Selected indicators and targets

III. Relevant statistical data

---

* These documents may be consulted in Spanish in the archives of the Centre for Human Rights.